JOURNAL

OF

COMPARATIVE LEGISLATION

AND

INTERNATIONAL LAW

EDITED FOR

THE SOCIETY OF COMPARATIVE LEGISLATION

BY

F. P. WALTON, Esq., LL.D., K.C. (Quebec)

Let observation, with extensive view,
Survey mankind from China to Peru.
SAMUEL JOHNSON.

THIRD SERIES. VOL. XIV. PART III.

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION,
1 ELM COURT, TEMPLE, E.C.4.
1932.

[*All Rights reserved*]

All communications to be addressed to the Hon. Editor,
1 Elm Court, Temple, E.C.4.
The Annual Subscription to the Society is one guinea.

Printed in Great Britain by
Hazell, Watson & Viney, Ltd., London and Aylesbury.

TABLE OF CONTENTS.

PAGE

PRESIDENT, COUNCIL AND COMMITTEE vii
HONORARY MEMBERS AND SUBSCRIBERS x
CONTRIBUTORS xxiv
ANNUAL REPORT xxv
ACCOUNTS xxvi
INTRODUCTION TO REVIEW OF LEGISLATION . . . xxvii
Contributed by F. P. Walton, Esq., LL.D.

BRITISH EMPIRE :—

I. BRITISH ISLES—

1. United Kingdom. *Contributed by* Cecil T. Carr, Esq., LL.D. 1
2. Jersey. *Contributed by* C. W. Duret Aubin, Esq. . . 21
3. Northern Ireland.
Contributed by Sir Arthur S. Quekett, K.C., LL.D. . 21
4. Irish Free State. *Contributed by* A. Denis Pringle, Esq. . 28

II. NORTH AMERICA—

1. Dominion of Canada.
Contributed by Frederick Read, Esq., LL.B. . . 33
2. Alberta. *Contributed by* John D. Hunt, Esq., K.C., Clerk to the Executive Council 39
3. British Columbia 44
4. Manitoba. *Contributed by* R. M. Fisher, Esq., K.C., Legislative Counsel 46
5. New Brunswick. *Contributed by* M. B. Dixon, Esq., K.C. 53
6. Nova Scotia. *Contributed by* F. F. Mathers, Esq. . . 53
7. Ontario. *Contributed by* John D. Falconbridge, Esq., K.C. 54
8. Prince Edward Island.
Contributed by W. E. Bentley, Esq., K.C. . . 57
9. Quebec.
Contributed by the Hon. Mr. Justice Fabre Surveyer . 58
10. Saskatchewan. *Contributed by* J. P. Runciman, Esq. . 62
11. Newfoundland. *Contributed by* Brian Dunfield, Esq. . 67
12. Bermuda 71

PAGE

III. COMMONWEALTH OF AUSTRALIA—
Contributed by Sir Robert Garran, K.C.M.G. . . 73
1. New South Wales 79
2. Queensland. *Contributed by* J. E. Broadbent, Esq., Parliamentary Draftsman 82
3. South Australia.
Contributed by E. L. Bean, Esq., M.A., LL.B. . . 85
4. Tasmania. *Contributed by* H. J. Solomon, Esq., LL.B. . 88
5. Victoria.
Contributed by His Honour Judge Zichy-Woinarski, K.C., and S. H. Zichy-Woinarski, Esq., M.A., LL.B. 89
6. Western Australia. *Contributed by* F. L. Stow, Esq., LL.D. 101
7. Papua. *Contributed by* His Honour Mr. Justice Gore . 107

IV. NEW ZEALAND—
Contributed by J. Christie, Esq., LL.M., Parliamentary Law Draftsman 108

V. WESTERN PACIFIC—
1. Fiji 113
2. Western Pacific 114
i. Gilbert and Ellice Islands 114
ii. British Solomon Islands. 114
iii. Kingdom of Tonga 115

VI. SOUTH AFRICA—
1. Union of South Africa. *Contributed by* A. A. Schoch, Esq., Senior Law Adviser 115
2. Cape of Good Hope 123
3. Natal. *Contributed by* the Hon. Mr. Justice Lansdown . 123
4. Orange Free State. *Contributed by* H. Pring, Esq. . . 124
5. Transvaal. *Contributed by* G. Hartog, Esq. . . . 127
6. Northern Rhodesia.
Contributed by Godfrey Place, Esq., D.S.O., M.C., LL.D. 128
7. Southern Rhodesia.
Contributed by A. E. Speight, Esq., K.C. . . . 130

VII. BRITISH INDIA—
Contributed by the Hon. Sir Henry Moncrieff-Smith, Kt., C.I.E., I.C.S.
1. Acts of the Indian Legislature 135
2. Madras 137
3. Bombay 137
4. Bengal 138
5. United Provinces 138

PAGE

6. Punjab 138
7. Burma 139
8. Bihar and Orissa 139
9. Central Provinces 139
10. Assam 140
11. Coorg 140
12. Regulations under s. 71, Government of India Act . . 140
13. Ordinances under s. 72, Government of India Act . . 140

VIII. EASTERN COLONIES—

1. Ceylon 141
2. Hong Kong. *Contributed by* the Hon. Mr. C. G. Alabaster, K.C., O.B.E., Attorney-General 141
3. Straits Settlements. *Contributed by* A. de Mello, Esq. 142
4. Federated Malay States. *Contributed by* A. de Mello, Esq. 143
5. Mauritius.
Contributed by E. Nairac, Esq., Procureur-General . 145
6. State of North Borneo.
Contributed by J. Maxwell Hall, Esq., Legal Adviser 146
7. Seychelles. *Contributed by* G. E. Cooper, Esq., Acting Chief Justice 147

IX. WEST AFRICA—

1. Gambia.
Contributed by A. G. B. Manson, Esq., Legal Adviser . 148
2. Gold Coast. *Contributed by* S. S. Abrahams, Esq., K.C., Attorney-General 148
(i) Ashanti 150
(ii) Northern Territories 150
(iii) British Sphere of Togoland 150
3. Nigeria 150
4. Sierra Leone. *Contributed by* I. J. Turbett, Esq., Acting Attorney-General 151

X. EAST AFRICA—

1. Kenya. *Contributed by* P. F. Branigan, Esq. . . . 153
2. Nyasaland Protectorate.
Contributed by W. Harragin, Esq., Attorney-General . 156
3. Tanganyika Territory. *Contributed by* H. Ralph Hone, Esq., M.C., LL.B., Crown Counsel 157
4. Uganda Protectorate. *Contributed by* Neville Turton, Esq., M.A., Acting Attorney-General 162
5. Zanzibar.
Contributed by A. W. Doorly, Esq., Attorney-General . 163
6. Anglo-Egyptian Sudan.
Contributed by the Hon. the Advocate-General . . 163

PAGE

XI. SOUTH ATLANTIC—

1. British Guiana. *Contributed by* the Hon. Hector Josephs, Attorney-General 164

XII. WEST INDIES—

1. The Bahamas. *Contributed by* the Hon. Harcourt Malcolm, K.C., O.B.E., Speaker 165
2. Barbados. *Contributed by* C. V. H. Archer, Esq., Attorney-General 166
3. Jamaica 167
4. Windward Islands.
   (i) Grenada. *Contributed by* H. W. Steele, Esq., Acting Attorney-General 168
   (ii) St. Lucia. *Contributed by* J. E. M. Salmon, Esq. . 168
   (iii) St. Vincent 169
5. Trinidad and Tobago.
   Contributed by L. H. Whitehead, Esq., Chief Clerk . 169

XIII. MEDITERRANEAN—

1. Gibraltar.
   Contributed by H. C. F. Cox, Esq., Attorney-General . 170
2. Cyprus. *Contributed by* H. W. B. Blackall, Esq., Attorney-General 172
3. Malta. *Contributed by* C. J. Colombos, Esq., LL.D. . 174

XIV. MANDATED TERRITORIES—

1. Palestine.
   Contributed by Norman Bentwich, Esq., O.B.E., M.C., Attorney-General 174
2. 'Iraq 176

FOREIGN—

1. United States of America 176
2. France. *Contributed by* Oliver E. Bodington, Esq. . . 185

PRESIDENT:

THE RT. HON. THE MARQUESS OF READING, G.C.B., G.C.S.I., G.C.I.E., G.C.V.O.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:

THE RT. HON. LORD ATKIN OF ABERDOVEY

VICE-CHAIRMAN:

SIR LYNDEN MACASSEY, K.B.E., K.C.

COUNCIL:

Colonel the Hon. Sir James Allen, G.C.M.G., K.C.B., formerly High Commissioner for New Zealand.

The Rt. Hon. L. C. M. S. Amery, M.P., formerly Secretary of State for the Dominions and for the Colonies.

Sir Maurice Sheldon Amos, K.B.E., K.C., Quain Professor of Comparative Law, London University.

Sir Algernon Aspinall, C.M.G., C.B.E.

The Rt. Hon. Lord Atkin, a Lord of Appeal in Ordinary.

Sir Thomas Barclay, LL.D., Ph.D.

Senator the Rt. Hon. N. A. Belcourt, LL.M., LL.D., K.C., Ex-Speaker of the House of Commons of Canada.

The Hon. Sir Edgar R. Bowring, formerly High Commissioner for Newfoundland.

E. Leslie Burgin, Esq., LL.D., formerly Principal and Director of Studies to the Law Society.

H. Grattan Bushe, Esq., C.M.G., Legal Adviser to the Colonial Office and Dominions Office.

M. Lyon Caen, Membre de l'Institut de France.

Cecil T. Carr, Esq., LL.D.

The Rt. Hon. Sir J. Austen Chamberlain, K.G., M.P., formerly Secretary of State for Foreign Affairs.

The Rt. Hon. Winston S. Churchill, C.H., M.P., formerly Chancellor of the Exchequer.

H. M. Cleminson, Esq.

The Rt. Hon. Sir Joseph Cook, G.C.M.G., formerly High Commissioner for Australia.

The Rt. Hon. Lord Craigmyle, K.C., LL.D.

M. Dareste, Membre de l'Institut de France.

The Hon. Mr. Justice Feetham, C.M.G., M.L.A., Judge of the Supreme Court of South Africa.

The Rt. Hon. Sir Charles Fitzpatrick, G.C.M.G., K.C., formerly Lieut.-Governor of Quebec.

Sir R. R. Garran, K.C.M.G., Solicitor-General of the Commonwealth of Australia.

Sir H. C. Gollan, C.B.E., K.C., formerly Chief Justice of Hong Kong.

The Hon. Sir Littleton E. Groom, K.C.M.G., Speaker of the Federal House of Representatives, Commonwealth of Australia.

Sir A. Norman Hill, Bart.

The Hon. Charles E. Hughes, Chief Justice of the Supreme Court of the United States.

Sir Cecil Hurst, G.C.M.G., K.C.B., K.C., LL.M.

Edward Jenks, Esq., D.C.L., Emeritus Professor of Law, University of London.

F. N. Keen, Esq.

The Hon. Sir J. G. Kotzé, K.C., LL.D., formerly Judge of the Supreme Court of South Africa.

D. Campbell Lee, Esq.

Sir Lynden Macassey, K.B.E., K.C.

Sir H. W. Malkin, K.C.M.G., C.B., K.C., Legal Adviser to the Foreign Office.

H. F. Manisty, Esq., K.C.

Sir W. H. Mercer, K.C.M.G., formerly one of the Crown Agents for the Colonies.

Sir W. Harrison Moore, K.B.E., C.M.G., Dean of the Faculty of Law of Melbourne University.

The Rt. Hon. Lord Morris, K.C.M.G., K.C., LL.D., formerly Premier of Newfoundland.

Professor the Hon. Sir John B. Peden, K.C.M.G., K.C., M.L.C., Dean of the Faculty of Law, Sydney University; President of the Legislative Council, New South Wales.

The Rt. Hon. Sir Frederick Pollock, Bart., K.C., D.C.L., LL.D., Judge of the Cinque Ports.

The Rt. Hon. the Marquess of Reading, G.C.B., G.C.S.I., G.C.I.E., G.C.V.O., formerly Viceroy of India, *President.*

Sir Alexander Wood Renton, G.C.M.G., K.C.

Sir J. S. Risley, K.C.M.G., C.B., K.C., formerly Legal Adviser to the Colonial Office and Dominions Office.

Sir Tej Bahadur Sapru, K.C.S.I., LL.D., formerly Legal Member of the Council of the Viceroy of India.

Sir Walter S. Shaw, formerly Chief Justice of the Straits Settlements.

The Rt. Hon. E. Shortt, K.C., formerly Home Secretary.

The Rt. Hon. Sir J. A. Simon, G.C.S.I., K.C.V.O., K.C., D.C.L., LL.D., M.P.

Sir H. Llewellyn Smith, G.C.B., formerly Chief Economic Adviser to H.M. Government.

The Hon. Sir Josiah Symon, K.C.M.G., K.C., formerly Attorney-General of the Commonwealth of Australia.

The Hon. Sir Edgar Walton, K.C.M.G., formerly High Commissioner for South Africa.

F. P. Walton, Esq., LL.D., M.A.

EXECUTIVE COMMITTEE:

Sir Maurice Sheldon Amos, K.B.E., K.C.
Sir Algernon Aspinall, C.M.G., C.B.E.
The Rt. Hon. Lord Atkin, *Chairman.*
Sir Thomas Barclay, LL.B., Ph.D.
E. Leslie Burgin, Esq., LL.D.
Cecil T. Carr, Esq., LL.D.
H. M. Cleminson, Esq.
Sir A. Norman Hill, Bart.
Sir Cecil Hurst, G.C.M.G., K.C.B., K.C.
F. N. Keen, Esq.
D. Campbell Lee, Esq.
Sir Lynden Macassey, K.B.E., K.C., *Vice-Chairman.*
H. F. Manisty, Esq., K.C.
Sir J. S. Risley, K.C.M.G., C.B., K.C.
The Rt. Hon. Sir J. A. Simon, G.C.S.I., K.C.V.O., K.C., M.P.
Sir H. Llewellyn Smith, G.C.B.
F. P. Walton, Esq., LL.D.

HONORARY EDITOR:

F. P. Walton, Esq., LL.D.

HONORARY SECRETARIES:

C. E. A. Bedwell, Esq.
H. C. Gutteridge, Esq., K.C., LL.D.

SECRETARY AND ASSISTANT EDITOR:

Miss K. I. Toogood.

Correspondence in reference to contributions to the Society's Journal should be addressed to the Editor, and all other communications to the Secretaries at 1, Elm Court, Temple, London, E.C.4.

HONORARY MEMBERS AND SUBSCRIBERS.

SOCIETY OF COMPARATIVE LEGISLATION.

HONORARY MEMBERS.

The Hon. Mr. Justice Buchanan.
The Hon. Sir Reginald Gray, K.C.

LIST OF SUBSCRIBERS.

(† Life members.)

Aberdeen University Library (per D. Wyllie & Son).
Adelaide University Library (per The Australian Book Co.).
Adelbert College Library, Ohio (per G. E. Stechert & Co.).
Agbebi, E. M. E. (Nigeria).
Alberta, Deputy Attorney-General (per Canada Law Book Co.).
Alberta Law Society.
Alberta Provincial Library.
Alberta University (per Dawson & Sons, Ltd.).
Albertus Universität, Königsberg (per Sweet & Maxwell, Ltd.).
Alexandria, Cour d'Appel Mixte.
Alexandria, Native Tribunal of First Instance.
Allahabad University, Dept. of Law (per Butterworth & Co.).
Allegheny County Law Library (per N. A. Phemister Co.).
Allemés, Frederick.
Allinson, J. S. (Pretoria) (per A. Elliot).
All Souls College Library, Oxford.
Amherst College Library, Massachusetts (per G. E. Stechert & Co.).
Amos, Sir Maurice Sheldon.
Amoy University (per J. Thin).
Amulree, The Rt. Hon. Lord.
Antigua, Attorney-General (per Crown Agents).
Argus South African Newspapers, Ltd.
Asher & Co.
Assam, Secretary to the Legislative Council.
Athenæum Club (per James Bain).
Athens, Bibliothèque de la Chambre des Députés (per Messageries Hachette).
Atkin, The Rt. Hon. Lord.

Auld, F. C. (Toronto).
Australia, Commonwealth of. (5)
Australia, Commonwealth Parliament Library (per Dawson & Sons, Ltd.).

Baer & Co. (Frankfurt) (per Simpkin Marshall Ltd.).
Bahamas Law Library.
Baltimore Bar Library (per G. A. Jennings Co., Inc., New York).
Bar Library (per Wildy & Sons).
Barbados, Colonial Secretary. (2) (per Crown Agents).
Barcelona, Colegio de Abogados (per Alfred Wilson).
†Baty, T. (Japan).
Bavaria State Library (per Deutsche Forschungsgemeinschaft).
Bedwell, C. E. A.
Beijers, J. L. (Utrecht).
Belcourt, The Hon. Senator N. A. (Canada).
Belgium, Ministère de la Justice, Brussels.
Benas, Bertram B.
Bengal, Legislative Council.
Bermuda, Colonial Secretary. (5) (per Crown Agents).
Bewes, Wyndham A.
Bhandarkar, V. G. (India).
Bibliothèque de la Faculté de Droit, Paris (per Librairie H. Le Soudier).
Bibliothèque Nationale, Paris (per Mr. C. Klinckseick).
Biddle Law Library, Pennsylvania.
Bihar and Orissa, Legal Remembrancer.
Birmingham Law Society.
Birmingham Public Library (per Cornish Bros., Ltd.).
Birmingham University Library (per Cornish Bros., Ltd.).
Bisschop, W. R.
Blanesburgh, The Rt. Hon. Lord.
Board of Trade (per H.M. Stationery Office).
Bodington, Oliver E. (Paris).
Bolsa de Madrid.
Bombay, Government of. (10)
Bombay High Court Law Library (per Wildy & Sons).
Bond, Stanley S.
Bonn a. Rhein, Universitäts-Bibliothek.
Boston Public Library (per G. E. Stechert & Co.).
Brassey, Peter E.
Brierly, Professor.
Bristol University (per J. Baker & Son).
British Columbia Provincial Library.
British Guiana, Attorney-General (per Crown Agents).
British Guiana, Colonial Secretary (per Crown Agents).
British Honduras, Attorney-General (per Crown Agents).
British North Borneo Co.
British North Borneo, Government Secretary.

British Social Hygiene Council, Incorporated (late N.C.F.V.D.).
Bryn Mawr College Library (per Allen & Son, Ltd.).
Burgin, E. Leslie.
Burma, Government Advocate.
Burma, High Court of Judicature.
Burma, Officiating Secretary to the Government.
Burma, University College (per Burma Book Club, Ltd.).

Caen, M. Lyon (Paris).
Cairo, Native Court of Appeal.
Calcutta High Court, Appellate side, Registrar (per Dawson & Sons, Ltd.).
Calcutta University.
California State Library (per Stevens & Brown).
California University Library (per Stevens & Brown).
California University Library, Southern Branch (per Stevens & Brown).
Canada, Department of External Affairs.
Canada, Department of Labour.
Canada, Dominion of. (4)
Canada, House of Commons, Law Branch (per Canada Law Book Co.).
Canada, Library of Parliament, Ottawa (per Allen & Son, Ltd.).
Canada, Supreme Court, Ottawa (per Sweet & Maxwell, Ltd.).
Canadian Legation, Paris.
Canterbury College, New Zealand (per B. H. Blackwell, Ltd.).
Canterbury District Law Society, New Zealand (per Stevens & Sons, Ltd.).
Canty, F. T. G.
Cape of Good Hope Incorporated Law Society (per Juta & Co., and Walker Bros.).
Cape Town Public Library (per Darter Bros. & Co.).
Cape Town University (per B. H. Blackwell, Ltd.).
Cardiff Central Library.
Carnegie Endowment for International Peace (Washington) (per Stevens & Brown).
Carnegie Foundation for the Advancement of Teaching (New York).
Carr, Cecil T.
Carswell Company, Ltd.
†Carter, Sir E. Bonham.
Ceylon, Attorney-General (per Crown Agents).
Ceylon, Colonial Secretary (per Crown Agents).
Chamber of Shipping of the United Kingdom.
Chartered Institute of Secretaries.
Charteris, Professor A. H. (Sydney).
Chekiang Provincial Library, Hangchow (per Dawson & Sons, Ltd.).
Cheng, F. T. (Peking).
Chicago Bar Association (per N. A. Phemister Co.).
Chicago Law Institute (per Sweet & Maxwell, Ltd.).
Chicago University Library (per G. E. Stechert & Co.).

China Association.
Cincinnati Law Library (per The W. H. Anderson Co.).
Clark University Library (Massachusetts) (per G. E. Stechert & Co.).
Cleveland Law Library Association (per The Carswell Co., Ltd.).
Cochin Chief Court, The Registrar.
Cologne University and State Library (per Jos. Baer & Co.).
Colombos, C. J.
Colonial Office. (2) (per H.M. Stationery Office).
Commerce Clearing House (Chicago).
Congress Library, Washington. (2) (per Allen & Son, Ltd.).
Congress Library, Washington (per G. E. Stechert & Co.).
Connecticut State Library (per F. W. Faxon Co.).
Constant, Benjamin.
Cooper, R. W.
Cornell University Law Library (per Sweet & Maxwell, Ltd.).
Cornell University Library (per Allen & Son, Ltd.).
Craigmyle, The Rt. Hon. Lord.
†Curtis, James.
Cyprus, Colonial Secretary. (3) (per Crown Agents).

Dacca University Library (per B. H. Blackwell, Ltd.).
Dalhousie University Law School (per The Carswell Co., Ltd.).
Dartmouth College Library (per F. W. Faxon Co.).
De Becker, J. E. (Japan) (per Butterworth & Co.).
Dedek, Dr. Vladimir (Czecho-Slovakia).
Delhi, Legislative Department (per Dawson & Sons, Ltd.).
Delhi, University of (per B. H. Blackwell, Ltd.).
Dominica, Crown Attorney (per Crown Agents).
Douglas, James G. (Dublin).
Duff, The Rt. Hon. Mr. Justice.
Duke University School of Law (per The Carswell Co., Ltd.).

Edinburgh University (per J. Thin).
Edmunds, C. A. (South Australia).
Egypt, Ministry of Justice.
Egyptian University (per Simpkin, Marshall, Ltd.).
Eliaser, R. (Estonia).
Emmett, Professor E. (Cape Town) (per Sweet & Maxwell, Ltd.).
Encyclopedic Bureau (Taiwan, Japan) (per Maruzen Co., Ltd.).
Estonian State Library.

Faculty of Procurators, Glasgow (per Jackson, Wylie & Co.).
Falk Fils (Brussels).
Federated Malay States, Government of. (5) (per Crown Agents).
Feetham, The Hon. R. (South Africa).
Feinstein, John (Canada) (per The Carswell Co., Ltd.).

Fiji, Colonial Secretary. (2) (per Crown Agents).
Finkelman, J. (Toronto).
Finland, Parliamentary Library (per Akademiska Bokhandeln).
FitzGerald, S. Vesey.
Fitzwilliam, Oliver V. & Co. (Trinidad).
France, Office de Législation Etrangère (per Librairie Générale de Droit et de Jurisprudence).
Frankfurt University, Seminar für Internationales Privatrecht (per Sweet & Maxwell, Ltd.).
Fruin, Th. A. (Holland).

Gambia, Colonial Secretary (per Crown Agents).
Gardner, J. C. (Stonehaven).
Garle, H. E. L.
Gates, Sir Frank.
Gebethner & Wolff (Warsaw).
Georgia State Library.
Gibraltar, Attorney-General (per Crown Agents).
Glasgow Chamber of Commerce.
Glasgow University (per Jackson, Wylie & Co.).
Goadby, F. M.
Gold Coast, Attorney-General (per Crown Agents).
Gold Coast, Chief Registrar, Accra (per Crown Agents).
Gold Coast, His Honour the Judge, Cape Coast (per Crown Agents).
Gold Coast, His Honour the Judge, Seccondee (per Crown Agents).
Gore, Mr. Justice R. T. (Papua).
Göttingen Universitäts-Bibliothek (per Deutsche Forschungsgemeinschaft).
Gray's Inn Library.
†Greene, W. E. Clayton.
Grenada, Colonial Secretary. (2) (per Crown Agents).
Groom, The Hon. Sir Littleton E. (Queensland).
Guex, Professor R. (Lausanne).
Gutteridge, H. C.

Hamburg, Seminar für Auslands Recht (per W. Müller).
Hanna, The Hon. Mr. Justice (per Hodges, Figgis & Co.).
Harper, C. G. S.
Harvard College Library (per Allen & Son, Ltd.).
Harvard University, Law School. (3)
Harvey, Miss E. C.
Hayashi, H.E. Baron.
Hazel, Dr. A. E. W.
Hazeltine, Professor H. D.
Higgins, Professor A. Pearce.
Hill, Sir A. Norman.
Hinde, F.

Hindu University, Benares (per Dawson & Sons, Ltd.).
Holm-Nielsen, Henning (Copenhagen).
Home Office (per H.M. Stationery Office).
Hong Kong, Colonial Secretary (per Crown Agents).
Hong Kong University (per Longmans Green & Co.).
House of Commons Library (per H.M. Stationery Office).
House of Lords Library (per H.M. Stationery Office).
Howard League for Penal Reform.
†Huberich, Dr. C. H. (The Hague).
Hughes, Hector.
Hurry, Lieut.-Col. G. (Australia).
Hyderabad, H.E.H. Nizam's High Court (per Butterworth & Co., Ltd.).
Hyderabad Legislative Council.

Ichimura, Y. (Japan) (per Maruzen Co., Ltd.).
Idelson, V. R.
Illinois Supreme Court Library (per N. A. Phemister Co.).
Illinois University Library. (2) (per G. E. Stechert & Co.).
Inawaki, Shuichiro (per S. Aki Shoten).
India, Department of Industries (per Dawson & Sons, Ltd.).
India, High Commissioner for.
India Office, Telegraph and Mails Branch. (2)
India, Secretary to Government of. (4)
Indiana State Library (per F. W. Faxon Co.).
Indiana University Library (per F. W. Faxon Co.).
Inland Revenue (per H.M. Stationery Office).
Inner Temple Library.
Institut für Ausländisches Öffentliches Recht und Völkerrecht, Berlin (per Sweet & Maxwell, Ltd.).
Institut für Ausländisches Recht, Heidelberg University.
Institut für Ausländisches und Internationales Privatrecht, Berlin (per Sweet & Maxwell, Ltd.).
Institut für Internationales Recht, Kiel.
Institut für Rechtesvergleichung, Munich (per Sweet & Maxwell, Ltd.).
Institut für Weltwirtschaft und Seeverkehr (Kiel).
Institute of Pacific Relations, Honolulu.
International Labour Office.
Iowa State Library.
Iowa State University Library (per G. E. Stechert & Co.).
Irish Free State, Attorney-General's Department (per Stationery Office, Dublin).
Irish Free State, Department of External Affairs (per Eason & Son, Ltd.).
Irish Free State, Department of Local Government and Public Health (per Stationery Office, Dublin).
Irish Free State, Ministry of Justice (per Stationery Office, Dublin).
Irish Free State, Oireachtas Library (per Stationery Office, Dublin).

Istituto di Filosofia del Diritto e di Diritto Comparato, Padova University.
Italy, Ministero Affari Esteri (per Cowie & Co., Ltd.).
Italy, Ministero della Giustizia e Affari di Culto (per Prof. P. Maglione).

Jamaica, Attorney-General (per Crown Agents).
Jamaica, Colonial Secretary. (12) (per Crown Agents).
Japan, Imperial Library (per Maruzen Co., Ltd.).
Japan, Library of College of Law and Literature, Sendai (per Maruzen Co., Ltd.).
Java, Bibliotheek Kon. Bataviaasch Genootschap (per Francis Edwards, Ltd.).
Java, Volksraad-afd Bibliotheek (per Dawson & Sons, Ltd.).
Jenks, Professor E.
Jersey Law Society.
Johannesburg Public Library (per P. W. Carling & Co., Ltd.).
John Crerar Library (per F. W. Faxon Company).
Johns Hopkins University Library (per Allen & Son, Ltd.).
Johnson, Arthur (Paris).
Johore Government, Legal Adviser.
Jolowicz, H. F.
Jones, F. Llewellyn.
Joseph, Bernard (Jerusalem).

Kahn, R. (per Sweet & Maxwell, Ltd.).
Kansas State Library.
Karr, H. (Zurich).
Keen, F. N.
Keijo Imperial University (per Maruzen Co., Ltd.).
Keith, Professor A. Berriedale.
Keizaijijyo-Kenkyushitsu, Osaka University of Commerce (per Maruzen Co., Ltd.).
Kelantan Government, British Adviser to.
Kennedy, the Hon. Hugh (Dublin).
Kennedy, Professor W. P. M. (Toronto).
Kenya, Attorney-General (per Crown Agents).
Kenya, Chief Native Commissioner (per Crown Agents).
Kenya, Supreme Court, Nairobi (per Crown Agents).
Kenya, Supreme Court, Mombasa (per Crown Agents).
Kimura, S. (Tokio) (per Sweet & Maxwell, Ltd.).
King's Inns Library (per Hodges, Figgis & Co.).
Kotzé, The Hon. Sir J. G. (South Africa) (per Sweet & Maxwell, Ltd.).
Kramers & Son (Holland).
Kyoto, Imperial University. (2) (per Maruzen Co., Ltd.).
Kyushu Imperial University (per Maruzen Co., Ltd.).

Lahore Law College.
Land and Agricultural Bank of South Africa (per Juta & Co., and Walker Bros.).

Latey, W.
Lattes, S. & C. Editori (Turin).
Law Society. (4)
Lee, D. Campbell.
Lee, Professor R. W.
Leeds University Library (per Richard Jackson).
Leipzig, Bibliothek des Reichsgerichts.
Leningrad Public Library (per Dawson & Sons, Ltd.).
Lévy-Ullmann, Professor (Paris).
Lewis, H. R.
Lewis, Marcus (Durban).
Lincoln's Inn Library.
Lisbon University (per Bowes & Bowes).
Liverpool Public Library.
Liverpool University.
Lloyd, Major H. I. (Iraq).
Loder, B. C. J. (Holland).
London Chamber of Commerce. (5)
London Library.
London and National Society for Women's Service.
London School of Economics.
London University.
Los Angeles County Law Library (per The Carswell Co., Ltd.).
Los Angeles Public Library (per Stevens & Brown).
Lowndes, The Hon. Sir George.
Lucknow University Library (Law Dept.) (per Alfred Wilson).
Lyons University (per Brentano's, Paris).

Macassey, Sir Lynden.
McCardie, The Hon. Mr. Justice.
McEnerney, G. W. (California).
McGill University Library (per W. H. Smith & Son).
McIlwraith, Sir Malcolm.
Mackenzie, Professor Norman (Toronto).
McNair, A. D.
Madras, Advocate-General.
Madras Advocates Association (per Stevens & Sons, Ltd.).
Madras, Chief Secretary to Government.
Madras, Connemara Public Library.
Madras, Law College (per Dawson & Sons, Ltd.).
Madras, Legislative Council Library (per Dawson & Sons, Ltd.).
Madras, The Presidency College (per Dawson & Sons, Ltd.).
Madrid, Biblioteca del Colegio de Abogados.
Maida, Minoru (Japan) (per Maruzen Co., Ltd.).
Malta, Chief Clerk to the Legislature (per Crown Agents).
Manchester Incorporated Law Library Society.

Manchester Public Library.
Manchester University.
Manisty, Herbert F.
Manitoba, Law Society (per The Carswell Co., Ltd.).
Manitoba Provincial Library (per Gordon & Gotch, Ltd.).
Manitoba University Library (per Allen & Son, Ltd.).
Massachusetts State Library (per F. W. Faxon Co.).
Matthews, Mr. Justice (Natal).
Mauritius, Officer Administering the Government. (5) (per Crown Agents).
Melbourne Public Library (per Sotheran & Co.).
Melbourne University (per David Nutt).
Mesopotamia, Ministry of Justice.
Meyer, Karsten (Copenhagen).
Michie, A. S.
Michigan State Library (per The Carswell Co., Ltd.).
Michigan University Law Library.
Michigan University Library (per Sotheran & Co.).
Middle Temple Library (per Butterworth & Co.).
Milwaukee Public Library (per G. E. Stechert & Co.).
Ministry of Health (per H.M. Stationery Office).
Minnesota State Library.
Minnesota University Law Library (per Sweet & Maxwell, Ltd.).
Minnesota University Library (per G. E. Stechert & Co.).
Missouri University Library (per G. E. Stechert & Co.).
Mitchell Library, Glasgow.
Montmorency, Professor J. E. G. de.
Montpellier University (per W. Muller).
Montreal Bar Library (per The Carswell Co., Ltd.).
Moore, John Bassett (New York).
Moore, Sir W. Harrison (Australia).
Moresco, Dr. E. (The Hague).
Moscow, Biblioteke imeni Lenina (per Dawson & Sons, Ltd.).
Moscow, Biblioteke Kommunisti-Cheskoy Akademii pri Tsik-U.S.S.R. (per Dawson & Sons, Ltd.).
Moss, W.
Mysore, Chief Court.
Mysore Government, Secretary (per The Army & Export Buying Agency, Ltd.).

Nagasaki Higher Commercial School (per Maruzen Co., Ltd.).
Napier, J. M.
Narasimhan, G.
National Library of Peiping (per F. W. Faxon Co.).
National Research Institute, Shanghai (per Dawson & Sons, Ltd.).
National Unionist Association.
National Wu Han University (per Geo. Harding).

Nebraska University Library (per Dawson & Sons, Ltd.).
New Guinea, Crown Law Officer.
Newnham College, Cambridge.
New South Wales, Agent-General.
New South Wales, Attorney-General (per Sweet & Maxwell, Ltd.).
New York Bar Association.
New York Law Institute (per Sweet & Maxwell, Ltd.).
New York Public Library (per Stevens & Brown).
New York State Library (per G. E. Stechert & Co.).
New York University. (2) (per G. E. Stechert & Co.).
New Zealand, Department of Labour.
New Zealand General Assembly Library (per Street & Co., Ltd.).
New Zealand, Ministry of Justice. (5)
New Zealand, Prime Minister's Department, Imperial Affairs Branch.
Nigeria, Attorney-General (per Crown Agents).
Nijhoff, M.
Nobel Institute (Oslo).
Northern Ireland, Ministry of Finance.
Northern Rhodesia, Attorney-General.
North-Western University Law School.
North-Western University Library (per Stevens & Brown).
Nyasaland, Attorney-General (per Crown Agents).
Nyasaland, The Registrar, High Court (per Crown Agents).

Ohio State University Library. (2) (per G. E. Stechert & Co.).
Oliver, D. T.
O'Mahony, Eoin (Dublin).
Onibuwe, Ajayi (Uganda).
Ontario, The Hon. the Attorney-General.
Ontario Legislative Library (per Allen & Son, Ltd.).
Oregon Supreme Court Library (per The Carswell Co., Ltd.).
Oregon University Library.
Oriental Library, Shanghai (per Dawson & Sons, Ltd.).
O'Sullivan, R.

Pai, S. C. (Peiping).
Palace of Peace (Holland) (per Sweet & Maxwell, Ltd.).
Palestine, Attorney-General (per Crown Agents).
Palestine, Superintendent of Courts (per Crown Agents).
Patent Office Library (per H.M. Stationery Office).
Patna, High Court (per Macmillan & Co., Ltd.).
Pavia University (per Dawson & Sons, Ltd.).
Peking Book & Stationery Co., Ltd., China (per Baillière, Tindall & Cox).
Pennsylvania State Library (per Mutual Subscription Agency).
Phemister Co., The N. A. (New York).
Philadelphia Law Association (per Sweet & Maxwell, Ltd.).

Philippine National Library (per F. W. Faxon Co.).
Pollak, W. (Johannesburg) (per Sweet & Maxwell, Ltd.).
Pollock, The Rt. Hon. Sir Frederick.
Pomona College Library (per F. W. Faxon Co.).
Portsmouth, H.M. Dockyard (per H.M. Stationery Office).
Preussiche Staatsbibliothek, Berlin (per Deutsche Forschungsgemeinschaft).
Price, Waterhouse & Co. (Paris).
Princeton University Library, New Jersey (per F. W. Faxon Co.).
Privy Council Office (per H.M. Stationery Office).
Pyke, H. Reason.

Quebec, Deputy Attorney-General.
Queensland, Department of Justice.
Queensland, Supreme Court Library (per The Carswell Co., Ltd.).
Queensland, University of (per B. H. Blackwell, Ltd.).

Reading, The Rt. Hon. the Marquess of.
Reed College Library, Portland, Oregon (per G. E. Stechert & Co.).
Renton, Sir A. Wood.
Rhymer, E. T.
Ripon Law College, Calcutta.
Risley, Sir J. S.
Rosendorff, Richard (Berlin).
Rothenberg Bibliothek, Jena Universität (per Sweet and Maxwell, Ltd.).
Royal Empire Society. (2)
Royal Holloway College (per B. H. Blackwell, Ltd.).
Ruegg, His Honour Judge.
Russell Sage Foundation Library (per F. W. Faxon Co.).
Ryan, M. J. (Dublin).

St. Kitts, Crown Attorney (per Crown Agents).
St. Lucia, Attorney-General (per Crown Agents).
St. Vincent, Supreme Court (per Crown Agents).
Salle de Travail de Droit Comparé. Faculté de Droit (per Recueil Sirey).
Sanderson, W. A. (Victoria, Australia) (per Sweet & Maxwell, Ltd.).
San Francisco Law Library (per The Carswell Co., Ltd.).
Sanger, Miss Sophy.
Sapru, Sir Tej Bahadur (Allahabad, India) (per The Times Book Co., Ltd.).
Sarawak, Chief Justice, Kuching (per W. H. Everett & Son, Ltd.).
Sasa, Akira (per Maruzen Co., Ltd.).
Saskatchewan, Legislative Counsel. (5)
Saskatchewan, University of (per Gordon & Gotch, Ltd.).
Schuster, E. (New York) (per Butterworth & Co.).
Servants of India Society (Poona) (per P. S. King & Son, Ltd.).

Seychelles, The Governor's Office (per Crown Agents).
Shanghai College Library (per Dawson & Sons, Ltd.).
Sheffield Public Library.
Sierra Leone, Attorney-General (per Crown Agents).
Slocum Library, Ohio Wesleyan University (per F. W. Faxon Company).
Social Law Library, Boston, Mass.
Solicitors Supreme Court Library (Edinburgh).
South Africa, Library of Parliament (per Juta & Co., and Walker Bros.).
South Africa Railway Headquarters.
South Africa, Secretary for Justice. (5)
South Africa, Secretary to Prime Minister.
South Australia, The Hon. the Attorney-General.
South Australia, The Hon. Chief Justice (per Coles Book Arcade).
South-West Africa, Administration Library.
Southern California University (per The Carswell Co.).
Southern Law Society (Hobart, Tasmania).
Southern Rhodesia, Colonial Secretary. (4)
Squire Law Library, Cambridge.
Stanford University Library, California (per G. E. Stechert & Co.).
Steiger & Co. (New York).
Stephens, The Hon. Alex. W. (Georgia, U.S.A.).
Stoneham, R. T. D.
Stoneham & Sons, Lisbon (per Sweet & Maxwell, Ltd.).
Straits Settlements, Colonial Secretary. (3) (per Crown Agents).
Straits Settlements, Department of Statistics.
Sudan, The Hon. the Legal Secretary.
Sweet & Maxwell, Ltd.
Sydney Parliamentary Library (per Gordon & Gotch, Ltd.).
Sydney Public Library (per Law Book Co. of Australia).
Sydney University (per Sweet & Maxwell, Ltd.).
Symon, The Rt. Hon. Sir Josiah H. (Adelaide).
Syracuse University Library, New York (per F. W. Faxon Co.).

Taft, Henry W. (New York).
Taihoku Imperial University Library (per Maruzen Co., Ltd.).
Tanganyika, Attorney-General (per Crown Agents).
Tanganyika, The Registrar, High Court (per Crown Agents).
Tasmania, Agent-General.
Tasmania University.
Tatham, The Hon. Mr. Justice F. S.
Texas State Library (per N. A. Phemister Co.).
Texas University (per G. E. Stechert & Co.).
Themaat, H. Ver Loren van (Stellenbosch) (per Dawson & Sons, Ltd.).
Thomas, W. Bruce.
Thomson, J. H. (per Dawson & Sons, Ltd.).

Tiskovna Zadruga (Jugo-Slavia).
Tokio, Dept. of Justice (per Sweet & Maxwell, Ltd.).
Tokio, Gaimusho-Jyoyaku-Kyoko (per Maruzen Co., Ltd.).
Tokio Imperial University (per Maruzen Co., Ltd.).
Tokio, Joyaku-Kyoku, 2-Ka (per W. H. Smith & Son, Ltd.).
Tokio, The Keiogyuku Library (per Maruzen Co., Ltd.).
Tokio Seminary of Law (per Maruzen Co., Ltd.).
Tokio, Shihosho-Chosaka (Dept. of Justice) (per Sanseido Shoten).
Toronto and York Law Association.
Toronto Reference Library (per Dawson & Sons, Ltd.).
Toronto University.
Transvaal, The Hon. the Administrator.
Transvaal University College.
Travancore, The Hon. the Dewan of.
Treasury Solicitor (per H.M. Stationery Office).
Trimble, M. (New Zealand).
Trinidad, Attorney-General (per Crown Agents).
Trinidad, Registrar of the Supreme Court (per Crown Agents).
Trivandrum, Addl. Head Sirkar Vakil.
Tsing Hua University Library, Peiping (per W. H. Smith & Son, Ltd.).
Tyldesley-Jones, W. E.

Uganda, Attorney-General (per Crown Agents).
Uganda, Entebbe, High Court (per Crown Agents).
United Provinces of Agra and Oudh.
United States Dept. of Labour Library (per G. E. Stechert & Co.).
United Tobacco Co. (South) Ltd. (Cape Town) (per Juta & Co., and Walker Bros. (London) Ltd.).
University College.
University College, Dublin (per Colm O Lochlainn).
Universteits Boekhandel, Stellenbosch (per Simpkin, Marshall, Ltd.).
Upper Canada Law Society Library (per Sweet & Maxwell, Ltd.).
Uzawa, F. (Japan) (per Maruzen Co., Ltd.).

Van Schaik (per Dawson & Sons, Ltd.).
Van Zyl, G. V. (Cape Town) (per Juta & Co., and Walker Bros.).
Vassar College Library (per G. E. Stechert & Co.).
Vermont State Library (per F. W. Faxon Co.).
Victoria, Agent-General. (5)
Victoria Crown Law Dept. (per Sweet & Maxwell, Ltd.).
Victoria Law Institute.
Victoria University College Library (per Sotheran & Co.).
Vivier, Joseph Du (Paris).
Vizagapatam University College of Arts (per Dawson & Sons, Ltd.).

Walton, F. P.
Waseda University Library, Tokio (per Maruzen Co., Ltd.).
Washington, Dept. of State Library (per Stevens & Brown).
Washington University Law Library (per N. A. Phemister Co.).
Washington University Library (per Stevens & Brown).
Washington University Library, St. Louis (per G. E. Stechert & Co.).
Waters, Rev. Dr.
Wellesley College Library (per Stevens & Brown).
Wesley University (Middleton, Connecticut, U.S.A.) (per G. E. Stechert & Co.).
West India Committee, The.
Western Australia, Crown Law Dept.
Western Australia, Public Library (per Francis Edwards, Ltd.).
Western Australia, University of.
Western Reserve University Law School (Ohio) (per The Carswell Co.).
White & Case (New York).
Willan, W. E.
Williams College Library, Mass., U.S.A.
Williams, Miss Ivy.
Wirth, Fredk., Jun. (Paris).
Wisconsin State Library (per The Carswell Co., Ltd.).
Wisconsin University Law Library (per N. A. Phemister Co.).
Wolfe, A. J. (Washington).
Woodcock, F. P.
Wyler, Dr. Marcus (Switzerland).
Wyoming State Library (per N. A. Phemister Co.).

Yale Law Library (per Sweet & Maxwell, Ltd.).
Yale University Library (per Allen & Son, Ltd.).
Yamazaki, Matajiro (Tokio) (per Maruzen Co., Ltd.).
Yenching University, China.

Zanzibar, Attorney-General (per Crown Agents).
Zanzibar, Registrar, H.B.M. Court (per Crown Agents).

Grants to the work of the Society are given by the Honourable Societies of Gray's Inn (£21), Inner Temple (£21), Lincoln's Inn (£21), the Middle Temple (£21), the Law Society (£21), King's Inns (£10 10s.), Northern Ireland Inn of Court (£5 5s.) and the Canadian Bar Association ($50).

CONTRIBUTORS.

The thanks of the Committee are offered to the following:—

(*a*) Contributors to the Journal of the Society during the year 1931: E. A. Adair, Esq.; Professor C. K. Allen; T. Baty, Esq., D.C.L., LL.D.; C. E. A. Bedwell, Esq.; Norman Bentwich, Esq., O.B.E., M.C.; Mons. Henri T. Binet; Cecil T. Carr, Esq., LL.D.; Dr. S. Gargas; F. M. Goadby, Esq.; H. C. Gutteridge, Esq., K.C., LL.D.; A. E. W. Hazel, Esq., LL.D.; Dr. Isaac Herzog; Edward Jenks, Esq., D.C.L.; W. I. Jennings, Esq.; J. W. Jones, Esq.; F. N. Keen, Esq.; Professor A. Berriedale Keith, D.C.L.; W. Latey, Esq.; H. Lauterpacht, Esq.; Professor R. W. Lee; Sir Benjamin Lindsay; Clifford Mortimer, Esq., K.C.; Dr. Fritz Oppenheimer; E. F. W. Gey van Pittius, Esq., M.A., Ph.D.; Dr. Max Rheinstein; A. E. Rigg, Esq.; Professor H. A. Smith; W. T. S. Stallybrass, Esq., D.C.L.; G. R. Stirling Taylor, Esq.; Professor L. Trotabas; F. P. Walton, Esq., LL.D.

(*b*) Writers of the Summaries of Legislation for the Annual Review during the year 1931: S. S. Abrahams, Esq.; the Hon. Mr. C. G. Alabaster, K.C., O.B.E.; C. W. Duret Aubin, Esq.; E. L. Bean, Esq.; W. E. Bentley, Esq., K.C.; Norman Bentwich, Esq., O.B.E., M.C.; O. E. Bodington, Esq.; C. C. A. Brito-Mutunayagam, Esq., B.C.L., M.A.; Cecil T. Carr, Esq., LL.D.; J. Christie, Esq., LL.M.; E. A. Collymore, Esq.; C. J. Colombos, Esq., LL.D.; G. E. Cooper, Esq.; M. B. Dixon, Esq.; A. N. Doorly, Esq.; Brian Dunfield, Esq.; R. M. d'Unienville, Esq.; H. A. Fagan, Esq.; John D. Falconbridge, Esq., K.C.; R. M. Fisher, Esq., K.C.; Sir Robert Garran, K.C.M.G.; His Honour Mr. Justice Gore; J. R. Gregg, Esq.; Sir Littleton E. Groom, K.C.M.G., M.A., LL.M.; J. Maxwell Hall, Esq.; W. Harragin, Esq.; G. Hartog, Esq.; H. Ralph Hone, Esq., M.C., LL.B.; J. C. Howard, Esq.; John D. Hunt, Esq., K.C.; Bernard F. King, Esq.; the Hon. Mr. Justice Lansdown; H. I. Lloyd, Esq., O.B.E., M.C.; P. A. McElwaine, Esq.; the Hon. Harcourt Malcolm, K.C., O.B.E.; A. G. B. Manson, Esq.; F. F. Mathers, Esq.; A. de Mello, Esq.; the Hon. Sir Henry Moncrieff-Smith, C.I.E.; A. V. Pineo, Esq.; Major C. G. M. Place, D.S.O., M.C.; H. Pring, Esq.; A. Denis Pringle, Esq.; Sir Arthur S. Quekett; J. P. Runciman, Esq.; the Hon. J. E. Salmon; H. J. Solomon, Esq., LL.B.; A. E. Speight, Esq., K.C.; H. W. Steele, Esq.; F. L. Stow, Esq., LL.D.; Sudan, the Hon. Advocate-General; the Hon. Mr. Justice Fabre Surveyer; the Hon. Mr. Justice F. S. Tatham, D.S.O.; H. H. Trusted, Esq., K.C.; I. J. Turbett, Esq.; Neville Turton, Esq.; L. H. Whitehead, Esq.; His Honour Judge Zichy-Woinarski, K.C.; S. H. Zichy-Woinarski, Esq., M.A., LL.B.

ANNUAL REPORT.

THE accounts for the year 1931 show a slight decrease in the Society's revenue in comparison with those of the previous year. A great part of this decrease is, unfortunately, due to the fact that, for the first time in many years, the resignations of members, of which forty were received, exceeded the enrolment of new members, which only reached the small total of fifteen. It is hoped that this diminution in membership will be only temporary, and that members will endeavour to obtain additional subscribers.

The amount realized on sales of the Journal is well above the average, and includes the sum received for a complete set sold to a member in Japan. These sets are a valuable asset to the work of the Society, as it not infrequently happens that the membership of a University or Library is contingent upon its ability to procure the whole series. In this connexion the Committee would be grateful if members wishing to dispose of back numbers of the Journal would communicate with the Hon. Secretaries of the Society.

The Committee gratefully acknowledge the valuable assistance accorded to the work of the Society by the donations which the Hon. Societies of Lincoln's Inn, Middle Temple, Inner Temple and Gray's Inn, the Law Society, King's Inns, the Government of Fiji and the Royal Empire Society generously continue to grant. They also wish to place on record their deep appreciation of the generous response made by the Canadian Bar Association and the Northern Ireland Inn of Court in granting during the year under review annual donations to the work of the Society.

The Committee have to record with regret the death during the year under review of Mr. G. Glover Alexander. For many years a member of the Society, he was a staunch supporter of its work, and took a particular interest in criminal law, upon which he contributed several articles to the Journal, including "The Indictments Act, 1915," "Egyptian Draft Penal Code, 1919," "Modern Egyptian Criminal Law" and two articles on "International Criminal Law."

ATKIN, *Chairman.*

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1931. *Cr.*

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
To Subscriptions:			By Publication of *Journal*:		
Government	199 10 0		Printing vol. xii, pt. 4	168 7 5	
Non-Government	447 6 4	646 16 4	Printing vol. xiii, pt. 1	157 7 1	
,, Grants:			Printing vol. xiii, pt. 2	116 8 6	
Law Society	21 0 0		Printing vol. xiii, pt. 3	113 0 0	
Lincoln's Inn	21 0 0			555 3 0	
Middle Temple	21 0 0		*Add* Paper for *Journal*	47 7 6	602 10 6
Inner Temple	21 0 0		,, Salary of Secretary		250 0 0
Gray's Inn	21 0 0		,, Rent of Chambers	100 0 0	
King's Inns	10 10 0		*Less* Rent received	40 0 0	60 0 0
Canadian Bar Association	10 4 3		,, Printing Prospectus		4 14 6
Northern Ireland Inn of Court	5 5 0		,, Lighting, Heating and Cleaning of Chambers		21 1 7
Royal Empire Society	5 5 0		,, General Expenses, including Postage and Insurance		17 12 1
Government of Fiji	5 0 0	141 4 3	,, Telephone		8 15 11
,, Sale of *Journals*, including Back Numbers and Reprints	112 7 6		,, Stationery		7 2 1
Less Purchase of Journals and cost of Reprints	5 4 0	107 3 6	,, Audit of Accounts for the year 1930		3 3 0
,, Proceeds of Advertisements		5 17 8			974 19 8
,, Sale of *Great Jurists of the World*		3 7 5			
,, Interest on War Loan		15 0 0			
		919 9 2			
, Cash at January 1, 1931:					
In hand	6 12 0				
At bank	245 2 6	251 14 6			
,, Proceeds of Advertisements for 1930		8 8 0	,, Cash at December 31, 1931:		
,, Subscriptions in arrear received during 1931		10 10 0	In hand	3 3 4	
,, Subscriptions paid in advance received during 1931		58 18 2	At bank	270 16 10	274 0 2
		£1,248 19 10			£1,248 19 10

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £400 5% War Loan 1929/47 Bearer Bonds.

LONDON: 18 Copthall Avenue, E.C.2. CASH, STONE & CO.

INTRODUCTION.

[*Contributed by* F. P. Walton, Esq., LL.D.]

The Society presents its best thanks to its learned contributors who have given their time so generously to the preparation of these summaries.

The laws of the year under review (1930) contain much interesting matter, but in view of the full Index, it is unnecessary to refer here to more than a few points.

Uniformity of Legislation.—British legislation has been followed in Northern Ireland by the creation of a Court of Criminal Appeal, and advantage has been taken of the Scottish precedent of 1926 by giving power to substitute a more severe sentence on appeal against conviction as well as on appeal against sentence (p. 18).

Northern Ireland has also passed an Act on the lines of 20 & 21 Geo. V, c. 25, to remedy the anomalies as regards the rights of third parties against insurers in case of the bankruptcy of the insured, which were disclosed in the cases *In re Harrington Motor Company Ltd. ex parte Chaplin*, [1928] 1 *Ch.* 105 and *Hoods Trustees* v. *Southern Union General Insurance Co. of Australasia Ltd.*, [1928] 1 *Ch.* 793.

The Indian Legislature has passed a Sale of Goods Act based mainly on the English Act, but with variations (p. 135).

In Cyprus the antiquated rules of the *Mejellé* as to contracts have been superseded by a comprehensive enactment embodying the main principles of the English law on the subject (p. 173).

In Palestine the law of partnership is now to be English, but with interesting modifications. The partnership is a legal person, and every partnership carrying on business in Palestine must be registered (p. 175).

In Canada the movement towards uniformity makes steady progress, and several Provinces have in this year adopted the uniform draft recommended by the Commissioners on Uniformity of Legislation in Canada (p. 53). It seems unfortunate that Ontario has not felt able to adopt the Uniform Contributory Negligence Act. It has passed an Act of its own intended to effect the same object, namely, to substitute for the English rule of contributory negligence the French rule of reduced damages if there is fault on both sides, but our contributor considers that the Ontario Act is somewhat obscure (p. 55).

The French rule as to *faute commune* entitling the courts to divide the damages was not adopted in the Province of Quebec until comparatively late, but it is now firmly established there, and it is, we believe, regarded with complete approval by the profession.[1]

Nationality.—In the United States there is an important statute as to the nationality of married women. The Cable Act of 1922 provided that

[1] See *Journal of Comparative Legislation*, Third Series, vol. viii, pt. iii, p. 98, and vol. x, pt. iii, p. 31; *Proceedings of Canadian Bar Association*, vol. x (1925), p. 303.

a woman citizen did not lose her citizenship by reason of her marriage to an alien eligible to citizenship, but she was presumed to have lost her citizenship if after her marriage she resided abroad for two years in her husband's country. The new Act repeals this presumption (p. 176).

Unemployment Relief.—The spread of unemployment in Canada has unhappily made it necessary for the Government of Canada to set aside a large sum for the relief of unemployment (p. 39).

This is the case also in New Zealand. In both countries the policy is to provide work and wages, and not charitable relief (p. 108).

Succession.—In Virginia an Act provides that if a wife wilfully deserts or abandons her husband and such desertion or abandonment continues until his death, she shall be barred from all interest in his estate (p. 185).

Sex Equality.—The Union of South Africa has extended the franchise to women who are wholly of European descent, and female voters are eligible as members of the Senate and the House of Assembly (p. 119).

In Palestine there is a law allowing women to be admitted as advocates before the civil courts (p. 175).

Marriage, Divorce and Legitimacy.—There is an important Act in New Zealand as to divorce which *inter alia* provides that a wife who has been living in New Zealand for three years apart from her husband with the intention of residing permanently there shall be deemed to be domiciled in New Zealand (p. 112). An Act of the Dominion of Canada alters the law of divorce in Ontario. Desertion by the husband is a ground of divorce, and the court has jurisdiction to grant a divorce if immediately prior to such desertion the husband was domiciled in the Province in which the proceedings are commenced (p. 37).

In the Irish Free State for the first time the father of an illegitimate child can be made liable by affiliation order to contribute to its support (p. 30). Legitimation *per subsequens matrimonium* is introduced into Barbados (p. 167), Kenya (p. 155), Papua (p. 107), St. Vincent (p. 169) and Tonga (p. 115).

Mental Treatment.—The Mental Treatment Act in England deserves special notice (p. 6).

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders,* etc.]

THE session covered by the present summary (21 & 22 Geo. V) began on June 25, 1929, and ended on August 1, 1930. Fifty-one public general statutes were passed. As a result of the general election the Conservatives were succeeded by a Labour Government relying on Liberal support. Amendment of certain branches of law was postponed by the appointment of preliminary commissions of inquiry. But the good work of three previous Royal Commissions was rewarded and completed by important Acts dealing with road traffic, land drainage and mental treatment. Clearly, a period of minority government need not mean legislative stagnation.

Improvement of the Statute Book.—The veteran Lord Muir-Mackenzie presided for the last time over the Joint Select Committee on Consolidation Bills. The Poor Law Act was consolidated anew (c. 17) ; it had been rewritten only three years earlier in clearing the ground for local government reform. That reform, transferring poor law functions to the councils of counties and county boroughs, blotted the copy again and required a fresh draft. The clean restatement of other branches of local government law seemed still afar off. Hopes of introducing order into the confused sequence of unemployment insurance statutes were unexpectedly dashed when the copious amendments made by the big Act of 1930 were, at the instance of the House of Lords, limited in duration. This Act, according to the final subsection, is to continue in force until June 30, 1933, and no longer, " and thereafter the Unemployment Insurance Acts, 1920 to 1929, shall have effect as if this Act had not been passed." Consolidation could not cope with this complication.

The Land Drainage Act (c. 44) is part consolidation and part amendment. Its passage was made easier by the printing of a White Paper (Cmd. 3534) showing which parts were new and which were old.

Short titles of Acts are reasonably succinct and descriptive. The Short Titles Act, passed in 1896, left gaps which a new Short Titles Act might fill. The need is suggested by an enactment of 1930 (c. 46, s. 1), which requires seventy words to identify reference to what might have been christened " the British Museum Act, 1753." An anomaly in the short titles of the annual Appropriation Acts is mentioned later.

Delegated Legislation.—Twenty-five of the fifty-one statutes delegate a power to make subordinate legislation in the form known (by virtue of the Rules Publication Act) as Statutory Rules and Orders. Depart-

mental orders under the Road Traffic Act (c. 43, s. 91) and the Land Drainage Act (c. 44, s. 41) may alter local Acts of Parliament, but the omnipotent " Henry VIII clause " for the removal of difficulties is absent. Departmental orders under the Mental Treatment Act (c. 23, s. 20(6)) may modify the wording of any enactment in order to incorporate certain euphemisms (the substitution of " patient " for " lunatic," etc.) which the Act introduces. The overriding of direct by indirect legislation in these instances provoked little criticism. Had the draftsman been expected to work out these effects in full by the direct legislation of Parliament, the Acts might not yet be on the statute book. A more deliberate relaxation of Parliamentary control will be noticed presently in the Public Works Facilities Act.[1] Conversely, the session contains two instances of a tendency in the opposite direction. Instead of a departmental order modifying an Act, an Act is passed to modify a departmental order as to the housing subsidy (c. 6). Secondly, though the details of judicial procedure have for over fifty years been omitted from Acts and entrusted to delegated legislation, two statutes in 1930 contain schedules of rules of procedure.[2] The explanation is that the Acts were passed at the beginning of August when the Long Vacation makes it difficult to gather the members of the Rule Committee. Thus Parliament showed that on occasion it can dispense with the help of Statutory Rules and Orders and can move as fast as bodies outside. The final paragraph of this summary returns to the subject of the delegation legislation of 1930.

Constitutional Law.—Like Lord Palmerston in 1863, Mr. Ramsay MacDonald in 1929 inadvertently appointed too many under-secretaries with seats in the House of Commons. The oversight, brought to the Premier's notice by the vigilance of a country clergyman, exposed seven under-secretaries to penalties running at the possible rate of £500 a day. The necessary Indemnity Act (c. 9) follows the 1864 precedent. The recent appointment of a separate Secretary of State for Dominion Affairs, in itself requiring no statutory sanction, apparently caused miscalculation of the number of under-secretaries who may sit in the Commons without disqualification. These technicalities, to some extent anachronistic, might well be reviewed, or at any rate consolidated.

Imperial and Foreign.—The British North America Act (c. 26) confirms four agreements between the Dominion of Canada and the respective Provinces of Manitoba, Alberta, Saskatchewan and British Columbia. The agreements, scheduled to the Act, transfer to the Provinces the control of their public lands, mines, minerals, fisheries and other natural resources. The preamble to the Act states that it is passed at the request of the Canadian Parliament—a request met by the Parliament at Westminster naturally with right good will. The latter Parliament would not have been concerned had there not been certain technical limitations in the British North America Act of 1871.

A lingering controversy over the compensation due to a group of displaced Irish civil servants was at last ended by the Irish Free State (Confirmation of Agreement) Act (c. 4). The basis of compensation had

[1] See p. 8 below.

[2] See the Housing Act (21 & 22 Geo. V, c. 39, s. 61, sch. 4) and Public Works Facilities Act (21 & 22 Geo. V, c. 51, sch. 1, pt. III, para. 6) mentioned at pp. 6, 9 below. The rules in the Act are stated to be temporary—to stand till superseded by rules made by the appropriate rule-making authority.

been established after a curious double reference to the Judicial Committee of the Privy Council.[1] The Irish Free State agreed to pay on that basis, provided that the United Kingdom Exchequer made good the extra cost. The dispute arose over the interpretation of Article 10 of the Articles of Agreement scheduled to the Irish Free State (Agreement) Act of 1922. The result being to modify or supplement Article 10, fresh legislation was deemed necessary; the Dublin counterpart will be found in the Irish Free State Act No. 36 of 1929.

In the sphere of foreign relations the Arbitration (Foreign Awards) Act (c. 15) promotes arbitration in commercial disputes. A Geneva Protocol of 1923 bound each signatory State to stay actions brought in defiance of an arbitration clause between its own subjects and those of another signatory State. Effect was given thereto at Westminster by the Arbitration Clauses (Protocol) Act of 1924. Critics, however, not always enthusiastic over laws taken ready-made from Geneva, complained that this Act only made things worse. British merchants, they said, if they could not enforce an award obtained against a foreigner, had always the alternative of suing him in his own courts and obtaining judgment; but now the Protocol caused the foreign court to stay such actions, thereby depriving our merchants of both the alternative remedies. A fresh Convention was signed by Britain at Geneva in 1927 to remedy the difficulty by making arbitration awards enforceable. In the new Act giving effect to this Convention, Lord Atkin secured the insertion of words ensuring that it should not bind Britain unless the foreign State made reciprocal provision.

Efforts towards international disarmament result in the London Naval Treaty Act (c. 48), which incorporates in the Treaties of Washington Act, 1922, a prohibition of aircraft carriers of 10,000 tons and under and of submarines of over 2,000 tons. S. 4 of the 1922 Act, giving effect to a Washington treaty which, owing to non-ratification by France, had not become internationally effective, is repealed. It had stigmatized as a violation of the rules of war, and had made punishable as piracy, various offences against neutrals and non-combatants in time of war, including offences by belligerent submarines.

Naval and Military.—The Government of India (Aden) Act (c. 2) adds to s. 33 of the Government of India Act a power for His Majesty to transfer to such authority as may be directed by Order in Council the superintendence and control of the military government of Aden. The subsequent transfer to the Resident and Commander-in-Chief at Aden, regularizing an arrangement based on a Cabinet decision of 1926, relieved the Viceroy of India of such administrative detail as the confirming of Aden courts-martial proceedings. The Army and Air Force (Annual) Act (c. 22) extends the Army Act and the Air Force Act to Aden as if that territory were a colony and as if the Resident and Commander-in-Chief were the colony's Governor.

More controversial sections of the Annual Act lessened the list of offences punishable with death in the army and the air force. The list had already been cut down by the Annual Acts of 1925 and 1928. Cowardice before the enemy is now transferred from s. 4 to s. 5 of the Army Act; the maximum penalty thus is penal servitude and not death. Three other offences—leaving a post without orders, occasioning false alarms

[1] See *Wigg* v. *A.-G. for Irish Free State*, [1927] A.C. 674, and *Re Payment of Compensation to Civil Servants, &c.*, [1929] A.C. 242.

and leaving a post as a sentry before being relieved—are moved from subs. (1) to subs. (2) of s. 6, thus ceasing to be punishable with the death penalty on active service. Finally, on a private member's amendment which the Secretary of State for War had resisted, desertion on active service is also exempted from the death penalty. These and other minor modifications apply to the Air Force Act as well as to the Army Act.

The Navy and Marines (Wills) Act (c. 38) repeals parts of an Act of 1865 which, though doubtless originally designed to protect seamen and marines, were now felt to limit unjustifiably their testamentary powers in comparison with those of their fellow-citizens. One of the limitations thus removed required the will of a seaman or marine, if made in one of His Majesty's ships, to be attested by a commissioned officer or chaplain or a warrant or subordinate officer.

Labour.—Important legislation as to hours of labour in coal mines and as to unemployment relief and insurance is mentioned in later paragraphs of this summary. Other regulation of labour conditions is effected by the Hairdressers' and Barbers' Shops (Sunday Closing) Act (c. 35). Exception is made for barbers attending customers in hotels or sea-going ships, or invalids. Jews also are excepted provided that they do no business on Saturday, notify the local authority and post up in their shops a notice as to Saturday closing and Sunday opening. The Children (Employment Abroad) Act of 1913 is extended to persons under the age of 18. The 1913 Act, being linked to the Children Act of 1908 as regards interpretation, applied to children under 14 and to young persons over 14 and under 16. The 1930 Act, which thus changes the law (c. 21), is expressly declared to extend to Northern Ireland. Had the Belfast Parliament passed its own Act on a matter in part extraterritorial, the result might have been doubtful. Doubt might also have arisen as to the application of the United Kingdom Act if the point had not been made clear.

The disease of asbestosis (fibrosis of the lungs due to asbestos dust) is brought within the Workmen's Compensation Acts. A mere departmental order could have been made (under s. 43 (3) of the 1925 Act) declaring asbestosis to be an industrial disease, as has been done in the case of miner's nystagmus and other occupational illnesses ; thereupon the occurrence of the disease would have been treated as the happening of an accident for which compensation is payable. But it was wisely preferred to use an Act of Parliament (c. 29) and to apply to both silicosis and asbestosis the special arrangements devised in 1918 for silicosis. That is to say, the Home Office is authorized to provide a national compensation scheme for these two diseases, embodying the advantages of expert diagnosis and treatment, distribution of cost over a large group of employers and exclusion of employees peculiarly susceptible from any industry or process involving exposure to silica or asbestos dust.

Social Conditions and Services.—A short Education (Scotland) Act (c. 36) enables education authorities in Scotland to spend money on providing milk for children in their schools. It is stipulated that the milk is to be certified milk or, if not, milk of the best grade available in the area. Three other Scottish Acts may here be mentioned. One (c. 37) makes provision for the adoption of children and for the official maintenance of an Adopted Children Register ; it closely follows the terms of the English Act of 1926. Another (c. 13) enlarges the public grant for improved medical services in the Highlands and Islands. The third (c. 33)

amends the Scottish law (very different, it seems, from the English) as to illegitimate children, their custody and maintenance. Formerly aliment was usually awarded up to the age of seven years for a boy and ten years for a girl: the age is now raised to sixteen. The court is to have regard to the means and position of the parties—a consideration formerly deemed irrelevant. Instead of the father being able to take the child away from the mother at the age of seven, thereby discharging himself of liability, the court may now make orders as to custody and access, "having regard to the welfare of the child and to the conduct of the parents and to the wishes as well of the mother as of the father." Affiliation and aliment actions may now be begun three months before the birth of the child if the mother makes a sworn declaration as to paternity and if a doctor certifies the fact of pregnancy. But the hearing of a defended action is postponed until after the child is born. Another useful clause allows aliment to be paid to an official—an economical and satisfactory arrangement which works well in England. Lastly, if an illegitimate child dies under the age of sixteen, both parents can be made liable for reasonable funeral expenses.

Successive subsidies designed to encourage the building of houses have been named after the Ministers of Health who introduced them. The Addison subsidy of 1919 is now ancient history; the Chamberlain subsidy of 1923 and the Wheatley subsidy of 1924 were cut down by a departmental order of 1928. The Labour Government was prepared to let the Chamberlain subsidy end, but it desired to reverse the order reducing the Wheatley subsidy. This is done by the Housing (Revision of Contributions) Act (c. 6), substituting new provisions, with retrospective effect, for the 1928 order. The two big Housing Acts passed in 1930 for England and Scotland (cc. 39 and 40) are mainly aimed at slum clearance —demolition and new building rather than re-conditioning. Under Part I of the English Act local authorities may declare unhealthy areas to be "clearance areas" and obtain demolition orders. Or they may declare unhealthy areas to be "improvement areas," to prevent them degenerating into slums which require demolition. Naturally, the provisions as to compensation, re-housing and alternative accommodation are elaborate. Persons aggrieved by clearance orders or compulsory purchase orders may appeal to the High Court and thence to the Court of Appeal, but the further appeal to the House of Lords is restricted. Part II of the Act deals with the repair or demolition of insanitary houses—single houses rather than all the houses in a particular area. Here there is a right of appeal to the county court, and thence, on a question of law, to the Court of Appeal. Part III requires local authorities to review working-class housing conditions in their areas and to submit proposals to the Minister of Health. Government contribution is available (subject to special conditions as to the tenant residing and not sub-letting, etc.) for accommodating persons displaced. Local authorities may arrange with public utility societies for the provision of houses. The rents of "alternative houses" may be adjusted. Part IV encourages better housing in rural districts, mainly through county councils with special powers for the Minister to act in default. Miscellaneous clauses in Part V deal with the standard of re-housing accommodation, regard for local amenities, the determination of leases by a county court where premises are demolished, local authorities' allowances to certain persons displaced, houses of less than the standard size where there is need for accommodating

aged tenants, and various administrative and financial provisions. Thus, though the law had been neatly consolidated in 1925, it is now again untidy. The new Act makes many repeals, has the inevitable "schedule of minor amendments" and directs that its first two parts are to be written into the 1925 statute in general substitution for many matters therein enacted. One unusual feature has already been mentioned early in this Summary.[1] Though the power to make rules of procedure for the courts concerned is delegated to rule committees by ss. 22 and 40 (3), the Act also contains (in s. 61 and the fourth schedule) its own provisional rules of procedure for temporary use.

The Housing Act for Scotland (c. 40) is on similar lines except that it does not reproduce the rural housing provisions in Part IV of the English Act. A useful and necessary schedule amends the language of previous Scottish housing legislation in view of the changes in local authorities, etc., introduced by the Local Government (Scotland) Act of 1929.

A new Widows', Orphans' and Old Age Contributory Pensions Act (c. 10) enlarges the principal Act of 1925. Its twenty-five pages, here briefly summarized, represent administrative legislation in a most complicated form. The 1925 Act gave 10s. a week to the widows of insured persons who died after January 4, 1926. The new Act brings in half a million pre-1926 widows, the main condition being that the widow should be 55 years of age or older. The 1925 Act had given old age pensions without a means test to an insured man at 65 and to his wife on her attaining 65. In certain conditions, where the man was over 70 at a certain date, his wife had to wait till she was 70. This limitation is removed. The 1925 Act made receipt of pension depend on residence in Great Britain, thus discouraging emigration. The new Act allows pensioners to draw their pensions in any part of the Empire and arranges for an insured person to keep up his insurance contributions if he migrates within the Empire. The 1925 Act gave a non-contributory pension to a post-1926 widow having a child under 14. The new Act extends these pensions (with retrospective effect) until the youngest child has attained 16. Another clause amends the statutory conditions for pensions, in favour, especially, of elderly men who could not otherwise show a sufficient number of stamps for the last years of their employment. There are also amendments as to double pensions and as to persons in excepted employments, an extension of the classes of persons who may become voluntary contributors, and a new set of provisions as to the disqualification of an inmate of a workhouse or prison or a pauper or criminal lunatic. The 1925 Act is applied to children within the Adoption of Children Act, 1926. Widows' and orphans' pensions are not to be reckoned in assessing damages in actions under the Fatal Accidents Acts. Children's allowances and orphans' pensions are in future not to be withheld where on the death of a father there is a Workmen's Compensation Act award.

Mental Treatment.—Not the least notable social reform of the session, the Mental Treatment Act (c. 23) carries out recommendations of the Royal Commission presided over by Lord Macmillan. Its keynote is prevention rather than detention. The patient is encouraged to undergo early treatment; medical attention is not to be delayed till he is a certifiable lunatic. To create a less repellent atmosphere, the words "lunatic," "asylum" and "pauper lunatic" are replaced (excepting in certain

[1] See p. 2 above.

specified contexts) by words such as " patient " or " person of unsound mind," " mental hospital " and " rate-aided patient." To carry out this reform in existing enactments the Minister of Health is empowered to modify their wording by departmental order. Further encouragement is given by allowing friends or relatives to be lodged in the hospital along with a patient. But the two main reforms are those which provide for special voluntary and temporary treatment without the stigma of certification. Anyone who is " desirous of voluntarily submitting himself to treatment for mental illness " may be received in an institution or approved home on his own written application. He can leave on giving 72 hours' notice. Persons under 16 can be thus received only on the application of parent or guardian accompanied by a " medical recommendation " signed either by the usual medical attendant or by an approved doctor; the 72 hours' notice must be given for them by parent or guardian. Personal liberty, it will be seen, is not entirely abandoned. The Board of Control (the central lunacy authority in England) must be notified of the reception, death or departure of the voluntary patient, and a system of official visitings provides some protection against abuses. The second reform offers temporary treatment to anyone who is " for the time being incapable of expressing himself as willing or unwilling to receive such treatment " ; he may be received in an institution or an approved home for six months. There must first be a formal application by husband, wife or relative or by the proper official of the local authority ; and there must be a recommendation signed (after examining the patient) by two registered medical practitioners, one an officially approved doctor, the other (if possible) the patient's usual medical attendant. The recommendation becomes invalid if not acted upon within a short time-limit. The Board of Control must be notified and informed at all stages, and periodical visiting and examination will follow. The six months may be extended by another six months, but no longer. A voluntary patient, on becoming incapable of volition, must within 28 days either be discharged or dealt with by way of certification or temporary treatment. A temporary patient, on becoming capable, is not to be detained longer than 28 days unless he again becomes incapable. The Board may at any time order a temporary patient to be discharged or examined with a view to certification. This new system of voluntary and temporary treatment may strain the accommodation and staff of local authorities ; the Act directs them to investigate and meet their needs.

Other miscellaneous reforms in the new Act include the extension of the system of urgency orders under the Lunacy Act (previously applicable only to private patients) to rate-aided persons. Relief is given to the medical profession which had been disquieted by the crushing damages awarded in *Harnett* v. *Bond* and which failed to see why performance of the unwelcome public duty of certification should involve doctors in the risk of ruin many years afterwards. The onus of proof is shifted. A plaintiff alleging improper certification by a doctor is not to succeed unless he can fix the defendant with bad faith or want of reasonable care ; and first he must obtain the leave of the High Court to sue, such leave to be refused unless the Court is satisfied that there is substantial ground for the contention that the defendant acted with bad faith and without reasonable care. Finally the Act reorganizes the Board of Control and increases its powers. By a bold use of delegated legislation, rules may be made for adapting the existing law to the new conditions of temporary and

voluntary treatment.[1] Critics may say this was legislative laziness ; the delegation did at least abbreviate the Mental Treatment Bill and expedite its passage.

Unemployment Relief and Insurance.—In the hope of stimulating British exports, a fresh Overseas Trade Act (c. 31) extends the periods during which guarantees may respectively be given and remain in force under the original provision of 1920 as from time to time continued and amended. A Colonial Development Act (c. 5) sets aside an annual sum, not exceeding a million pounds, to form a fund from which advances can be made (subject to recommendations by an expert advisory committee) to aid and develop agriculture and industry in colonies not possessing responsible government and in protectorates and mandated territories. This development is to include transport, harbours, fisheries, forestry, surveys, land reclamation, water supplies, electricity, mineral resources, scientific research, marketing and public health objects. Projects such as the Zambezi bridge were mentioned among schemes which the Act might accelerate to the benefit of British trade. S. 3 enables the Colonial Stock Acts to be extended by Order in Council to protectorates or mandated territories, which will thereby be privileged, if they can offer an acceptable security, to raise money more cheaply. S. 4 enables interest to be paid out of capital for the first five years in the case of Palestine and East Africa guaranteed loans. Another instalment of unemployment relief, the Development (Loan Guarantees and Grants) Act (c. 7), authorizes the Treasury to guarantee loans raised in connexion with public utility undertakings and to make grants towards meeting interest on development loans. The aggregate capital amount of the loans thus to be guaranteed is £25,000,000. The Minister of Labour, with Treasury approval, may make grants to local authorities and to non-profit statutory bodies for development works. The period for making guarantees and grants is limited to three years : the operations are subject to consultation with, or recommendations by, a statutory committee of experts.

Finally, to speed up schemes of work in relief of unemployment, the Public Works Facilities Act (c. 50) invents a new procedure. Local authorities or statutory undertakers requiring powers to execute works of this nature may submit to the appropriate Minister a draft scheme with an estimate of the cost. The Minister must see that notice is given to all persons affected and that the scheme has due publicity ; he may (and, if the scheme is opposed, he must) direct a local inquiry before a tribunal, which will report to him. After considering the report and, if necessary, modifying the scheme, he can submit the scheme for confirmation by Parliament, certifying that the requirements of notice and publicity have been complied with. If he so submits the scheme, he must introduce a Bill for the purpose,

> and the Bill, after introduction, shall be deemed to have passed through all its stages up to and including Committee and shall be ordered to be considered in either House as if reported from a Committee, and, when the Bill has been read a third time and passed in the first House of Parliament, the like proceedings shall be taken in the second House of Parliament.

This accelerating procedure, commended by the urgency of the unemployment problem, was a revolutionary relaxation of parliamentary

[1] See the Mental Treatment Rules, 1930 (S.R. & O. 1930 (No. 1083), p. 935).

control at the very moment when the Donoughmore Committee on Departmental Powers was examining weighty protests against encroachments upon the proper sphere of the supreme legislature. It was hoped that sanction for schemes of work would thus be a matter of weeks instead of the months normally occupied by the stages of a local Act. Other minor amendments of the law are added—previous enactments as to unemployment relief works, limited to work on arterial roads only, are extended to all kinds of roads; railways are encouraged to substitute bridges for level crossings; and the Minister of Transport is allowed to dispense with the statutory public inquiry before making a special order under the Electricity (Supply) Acts. The new Act, which is limited in duration, also expedites the compulsory purchase of land. Here again the critics of bureaucratic tendencies were undisturbed by an innovation; the compulsory purchase order may not be questioned after twenty-one days on the ground of being *ultra vires* or otherwise. Within those twenty-one days an aggrieved person may appeal to the High Court. As in the Housing Act instance,[1] time is saved for once by setting out in a schedule ready-made rules of procedure for the applications to the High Court.

Meanwhile no less than four Unemployment Insurance Acts had been passed in this session. The first (c. 3) increases the Exchequer contributions; the third and fourth (cc. 19 and 47), continuing the dismal sequence of previous years, successively enlarge still further the limit permitted for Treasury advances to the Unemployment Insurance Fund during that "deficiency period" which has unhappily continued so long. The remaining Act (c. 16), the second of the series, is a general enlargement of benefits. It begins by bringing into insurance (subject to the raising of the school age) young people between 15 and 16; the previous age for entry into insurance was 16. Next, benefit is increased by amounts varying from 2*s.* to 4*s.* for young people of 17, 18 and 19, and the allowance for adult dependents is raised from 7*s.* to 9*s.* a week—increases which were to stand until cut back in 1931 by the National Economy Act Orders in Council. The Minister of Labour, in consultation with the Board of Education, is to arrange for approved courses of instruction for insured contributors under 18 who claim benefit. S. 4 contains new conditions of disqualification for benefit, in place of the difficult formula "genuinely seeking work." Henceforth disqualification follows if an officer of the Ministry of Labour discharges the onus of proving that

> the claimant, after a situation in any employment which is suitable in his case has been notified to him by an employment exchange or other recognized agency or by or on behalf of an employer as vacant or about to become vacant, has without good cause refused or failed to apply for such situation, or refused to accept such situation when offered to him,

or that

> a claimant has without cause refused or failed to carry out any written directions given to him by an officer of an employment exchange with a view to assisting him to find suitable employment (being directions which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides).

There are new provisions facilitating the notification of vacant

[1] See p. 6 above.

situations by employers, and new machinery for examining and determining claims. The travelling expenses of insured contributors going to any place to obtain work may be repaid, whether employment has or has not been found there. The Unemployment Insurance Acts are applied to employment abroad. Regulations may provide for crediting with contributions the young persons attending schools or junior instruction classes who are now brought into insurance. Once more there is a schedule of minor amendments. The House of Lords, indifferent to the charge of encroaching upon the privileges of the Commons, succeeded in inserting the time limit in the Bill to which allusion has already been made.[1]

Mining.—The four Parts of the Coal Mines Act (c. 34) embody provisions of varying urgency and duration. Part I, relating to the production, supply and sale of coal, will expire at the end of 1932 unless Parliament otherwise determines. A "central scheme" will set up a "central council" of coal-owners, will fix the "district allocation" (*i.e.* the maximum output of each mining district), and will provide machinery for the collection of information, the appointment of officials and trustees, a levy for expenses, the exacting of penalties and other matters. The Act specifies twenty-one districts and gives power to vary or amalgamate them. "District schemes" will provide for an "executive board" of coal-owners in each district, determine the standard tonnage of each mine and the "quota" or proportion of that tonnage which the mine may produce, and fix the minimum price for various kinds of coal. District schemes may also authorize the imposition and recovery of money penalties where a coal-owner in the district contravenes or will not work the scheme. The consequent interference with existing contracts is a difficulty faced in s. 4. The Board of Trade is to set up national and district "committees of investigation" to examine complaints of the operation of national or district schemes: if a committee recommends rectification, an order of the Board of Trade may make a new scheme. Contravention of a scheme or of this Part of the Act, if no other penalty is specified, is punishable with a fine of £100 and a further £20 for every day the offence continues. Part II of the Act constitutes a Coal Mines Reorganization Commission of five members, with an elaborate requirement that they shall divest themselves of any financial interest in the coal industry. The Commission is to promote such amalgamations of coal undertakings as are deemed proper in the national interest. The voluntaryism of Part I of the Mining Industry Act of 1926 is stiffened by an element of compulsion.

Hours of work, an intensely controversial topic, are the subject of Part III which was to take effect in four months' time and to remain in force till the end of July 1931. In its original form it reduced the eight-hour day to 7½ hours. An amendment, moved in committee in the House of Lords by Lord Gainford, introduced a valuable flexibility by what was popularly called the "spread-over." It took the total of 7½ hours a day for the twelve working days in a fortnight and allowed that total to be spread over the whole fortnight by local agreement between owners and miners. The House of Commons eventually accepted this, provided that the agreement was approved by the Mining Association and the Miners' Federation.

Lastly, Part IV establishes the Coal Mines National Industrial Board.

[1] See p. 1 above.

This is a body of seventeen members, appointed by the Board of Trade and representing masters and men and certain outside organizations. Its functions are persuasive rather than coercive. It is to record any agreements for the regulation of wages or other conditions of labour which may be sent to it. Where there has been a failure to settle a dispute by existing conciliation machinery, either the owners or the miners may refer the dispute to the National Board, which must thereupon inquire into the dispute and report to both sides.

Land Drainage.—A brief Land Drainage Act of 1929 (c. 8) was required to alter earlier enactments which made the right to vote at elections of drainage authorities depend on the valuation of property for the purposes of poor rate. The recent de-rating of agricultural land (as respects the general rates) made the alteration necessary. The gross annual value of the property for income-tax purposes is substituted for the former basis.

Later in the session this Act, with fifteen others, was repealed and replaced by the Land Drainage Act of 1930 (c. 44). Up to this point a 400-year-old Act " concerning Commissions of Sewers to be directed in all parts within the Realm " had been the foundation of land drainage law in England, though nominated commissioners of sewers had been replaced locally by elective drainage boards. The policy of administration through fewer and stronger local authorities (a feature of recent reforms in poor law and local government) is now extended. Large new comprehensive authorities are created for the whole catchment area of a river within the limits of its watershed. Forty-seven such areas are named, and there is departmental power to vary or regroup them. Each area is to have a catchment board consisting of nominated members with a preponderating representation of county councils and county boroughs ; thus on each board there is a majority representing those who have to find the money. Within the catchment areas there will be drainage districts, namely the smaller areas which will " derive benefit or avoid danger as a result of drainage operations." Each drainage district has a district board, these boards being often identical with pre-1930 drainage authorities. Each catchment board must submit to the Minister of Agriculture and Fisheries a scheme (*a*) for transferring to itself the rights, powers and duties of all authorities previously operating on its main river, and (*b*) for dealing with that portion of its area for which internal drainage boards are capable of being set up. A scheme of the latter class may constitute new drainage districts, abolish, reconstitute or amalgamate existing districts and alter their boundaries ; it may constitute new drainage boards or alter the method of constituting existing boards ; in so doing, it may even alter local Acts or awards contained in such Acts. These schemes will be confirmed by a departmental order, parliamentary approval being required only if the proposals are opposed. The catchment boards have power to do drainage works needed for their own main river or its estuary ; they are to supervise internal drainage boards and to commute any such obligations to repair banks or maintain watercourses as are based on tenure, custom or prescription. These provisions, with others for action on the default of either a catchment or a drainage board, make up Parts I and II of the Act.

Much of the remainder is mere re-enactment. Thus Part III (drainage districts and drainage boards outside catchment areas) substantially repeats the statute of 1918. Part IV contains financial provisions. Here the effect of the recent de-rating of agricultural land has to be reckoned

with. The catchment boards are to get their revenue in two ways. First, they can precept upon the income of county and borough councils raised by the ordinary rates; to this extent agricultural land will still escape. Secondly, they can require contributions from internal drainage boards which themselves levy drainage rates wherefrom agricultural land is not immune. Thus in effect the lowlanders in drainage districts which "derive benefit or avoid danger" will bear the heavier burden. Conversely, catchment boards can contribute to a drainage board which suffers "by reason of the quantity of water coming down from a higher level" or by the delay in relief afforded by the catchment board's operations on the main channel. Part V *inter alia* arranges for drainage boards to take land or borrow money, for transferring to them the rights, powers and duties of navigation authorities, for varying navigation rights and for removing (subject to appeal to quarter sessions) obstructions such as mill dams and weirs. Part VI comprises the land drainage powers of county councils and county boroughs. The miscellaneous contents of Part VII cover the prevention of river pollution, the protection of fisheries, the control of bridge-building over main rivers, the accretion of land resulting from drainage works, the duty of an occupier to keep his water-courses in order and the right of a neighbouring landowner to have drains opened.

The Land Drainage (Scotland) Act (c. 20) is far shorter. In Scotland there is no network of *ad hoc* drainage authorities and the problems are less acute. The Scottish Act, in replacement of a statute of 1847, empowers owners or occupiers of agricultural land which is or may be injured by a neighbour's failure to maintain banks or scour channels, to serve a notice on him. If the requirements in the notice are not complied with, the applicant may obtain from the sheriff (who may summon a skilled assessor to help in his decision) a warrant directing the work to be done. There is similar machinery for causing a neighbour to allow underground main drains to be formed through his land where the applicant's land is injuriously affected by refusal. The rest of the Act authorizes departmental schemes for drainage work either to improve land or prevent flooding, the cost of the work to be recovered in part from the landowners affected, and compensation to be awarded where found due.

Transport.—The Air Transport (Subsidy Agreements) Act (c. 30) authorizes the President of the Air Council to pay subsidies (up to the end of 1940 and up to a total of a million pounds in any financial year) and to furnish facilities to undertakings maintaining regular air services for the carriage of passengers, goods or mails.

Mechanical transport on the roads was old enough in 1930 to demand some permanent provision in place of the experimental Motor Car Act passed in 1903 for a three-year period and annually continued from 1906 onwards. It was not long since an Act of 1896 had emancipated motor cars from the old red-flag restrictions of locomotive legislation of 1865 and had permitted the mad speed of fourteen miles an hour even though Local Government Board regulations did cut it down to twelve. The 1903 Act introduced the registration and numbering of cars to facilitate identification and enlarged the speed limit to twenty miles an hour, which might locally be reduced to ten. The farcical enforcement of these limits, broken every day by every driver, divorced the law both from public opinion and from the facts of life. The Road Traffic Act

of 1930 (c. 43) supersedes the 1903 Act and removes all speed limits for ordinary cars with pneumatic tyres, though it retains a detailed scale of speeds for other mechanical transport. The time-tables of the driver's employer may be *prima facie* evidence of procuring or inciting the driver to break the speed limit. First, however, the 1930 Act defines seven types of motor vehicle—(*a*) "heavy locomotives," weighing over 11½ tons unladen and not constructed to carry a load, (*b*) "light locomotives" between 7¼ and 11½ tons, (*c*) "motor tractors" under 7¼ tons, (*d*) "heavy motor cars," constructed to carry loads or passengers and weighing over 2½ tons unladen, (*e*) "motor cars" under 3 tons constructed solely to carry passengers and their effects, adapted to carry not more than 7 passengers excluding the driver, and fitted with tyres of the prescribed type, or otherwise under 2½ tons, (*f*) "motor cycles," and (*g*) "invalid carriages." Departmental regulations may vary the weights and subdivide the categories. Motor vehicles and trailers remain subject to the general law relating to carriages. Part I of the new Act replaces the 1903 statute. Vehicles not complying with the regulations as to construction, weight and equipment are prohibited; drivers are to be licensed and provision is made for endorsement of convictions, suspension and disqualification. A test of physical fitness is introduced, with a saving for existing drivers and certain disabled persons. The minimum age limit for driving motor vehicles is raised to 16; anyone under 17 can drive only a motor cycle or invalid carriage; for the heavier types the age limit is 21. Reckless or dangerous driving is defined as in the 1903 Act (though the word "negligently" disappears) and is now more heavily punished. A lesser offence is created—driving "without due care and attention or without reasonable consideration for other persons using the road." Motor racing and speed trials on highways are prohibited; motor vehicles must not be driven on commons, moor land or bridle paths, though they may be parked on land within 15 yards of a proper road. It was an offence under the Licensing Act of 1872 to be drunk in charge of a carriage; the word "drunk" raised nice questions of degree. In place of the 1872 provision a motorist may now be punished for being "under the influence of drink or a drug." Pillion-riding on motor cycles is restricted and there are provisions as to trailers and as to the hours worked by persons employed as drivers. The motorist must stop, if required on proper grounds, and must give his name and address; the 1903 duty to stop in case of injury to a human being, vehicle or horse is now extended to the injury of other animals—cattle, asses, mules, sheep, pigs, goats or dogs, but not cats or poultry. The unauthorized taking and driving away of a motor vehicle is now an offence; mischievous or criminal persons had previously escaped punishment on charges of larceny by means of the defence that they were merely "joy-riding" and did not intend to deprive the owner of his property permanently. Tampering with stationary cars or obtaining an unauthorized tow from moving cars is also punished, and the Minister is given a wide power of making regulations as to vehicles, weights and loads, the smoke or noise nuisance, brakes, towing, signalling appliances and licensing. He may also hold inquiries into accidents.

Part II of the Road Traffic Act creates the new principle of compulsory insurance of motorists against third-party risks. It does not apply to the vehicles of local authorities or police authorities, or of persons (omnibus companies, for instance) who deposit £15,000 with the Supreme

Court under machinery similar to that which governs insurance companies' deposits. The compulsory insurance policy covers liability for accidents involving death or bodily injury. The system, however, is limited in scope. It does not insure the pedestrian against a traffic accident; it merely insures the solvency of the motorist, if the motorist has to pay. S. 36 (2) attempts to secure for hospitals (whose wards are often filled by traffic casualties with patients who have no connexion with the locality and contribute nothing to hospital expenses) their proper share of the insurance money. But this provision also, substituting a statutory for a voluntary payment, has proved disappointing. An applicant for a motor vehicle licence must produce evidence of being thus insured; a motorist must produce to the police, if required, his certificate of insurance.

Various amendments of highway law appear in Part III of the Act; here we are dealing with all road traffic, not merely with motor vehicles. The Minister is to compile a "highway code" of directions for the guidance of road-users, and issue it to the public at a price not exceeding one penny. The code or any alteration of it must not be issued till approved by Parliament. The code has no statutory force; its violation involves no criminal proceedings; but in any proceedings, civil or criminal, a party may rely upon a failure to observe the code as tending to establish or negative any liability which is in question. The Minister may, on the application of a local authority or university body, restrict the use of specified roads by specified types of vehicles; a highway authority may also temporarily prohibit or restrict traffic and may erect traffic signs of prescribed size, colour and type; other traffic signs are prohibited, though the language here is slightly obscure. It is an offence to neglect a traffic sign or a policeman's traffic direction. Vehicles must not be left in dangerous positions; ropes and wires (which in a recent case had caused a terrible accident) must not be stretched across a highway without special precautions. Part III further covers the transfer of toll bridges and toll roads, the recovery of the cost of repairs due to extraordinary traffic, the power of local authorities to construct refuges and subways, to provide footpaths and grass margins alongside roads and to remove unauthorized obstructions on highways, and also a power for the Minister to make regulations as to the use of brakes and skid-pans, the removal of broken-down or dangerously placed vehicles and the appliances fitted to bicycles and tricycles for signalling their approach.

Part IV contains new law for the motor omnibus and the motor charabanc. It regulates "public service vehicles" and divides them into the three classes of "stage carriages," "express carriages" and "contract carriages." A public service vehicle is a motor vehicle which carries passengers for hire or reward; the expression excludes both tramcars and trolley vehicles and also "contract carriages" adapted to carry less than eight persons; it thus excludes the ordinary taxi-cab. The public service vehicle cannot take the road without a licence granted on a certificate of fitness; it is liable to constant inspection by specially appointed examiners. In addition, a road service licence is required; this governs the route of the vehicle, and applications for these licences must specify the type of vehicle, the time-table, fares and other particulars. The old chaotic system of regulation by a multitude of local authorities gives place to a bold new scheme. England is mapped out into eleven Traffic Areas, Scotland into two. For each Area there are

three Traffic Commissioners, who must not have any financial interest in a passenger transport undertaking. Among other duties they are to hear and determine applications for road service licences. It was intended by this new scheme to secure co-ordination and to eliminate the wasteful overcrowding of a particular route. Road service licence holders or applicants are to disclose particulars of any financial interests in, or agreements with, other persons furnishing passenger transport facilities. The drivers and conductors of these vehicles must also be specially licensed. Departmental regulations may make provision as to the conduct of passengers, drivers and conductors, the removal of unruly persons, the production and surrender of tickets, the carriage of luggage, equipment, licence forms, and so on. Other sections deal with appeals, fees, wages and conditions of employment. Vested interests are not to be created in public service vehicle routes. A contract to carry a passenger in a public service vehicle, if it purports to negative or restrict liability on a claim in respect of his death or injury, is to be void. Owing to the existence of elaborate enactments affecting public carriages in London, carefully drawn sections (and a departmental Adaptation Order) are needed to fit the new law to the Metropolitan Traffic Area. This is one of the statutory Traffic Areas; it consists of the metropolitan police district and the City of London, and thus differs from the London Traffic Area under the London Traffic Act, 1924. Part V (the running of public service vehicles by local authorities) was, in its original form, rejected by the House of Lords as too wide an extension of municipal trading. But local Acts have freely conferred similar powers, and the co-ordinating jurisdiction of the Traffic Commissioners had here a fresh opportunity, especially where vehicles were to run beyond local boundaries. In considering applications, the Commissioners are to have regard to the extent to which local traffic requirements will be served, directly or indirectly, by the proposed service. The local authorities are given power to do various things which otherwise might have been *ultra vires*, and to enter into working agreements with other local authorities or with private undertakings.

Passing over the remaining general provisions in Part VI, we may note the effect of the Act on previous enactments. Some of the earlier law is repealed entirely, but much of it is repealed only so far as it relates to public service vehicles; thus many old enactments, especially those affecting London, linger on for the purpose of the few surviving horse-drawn vehicles. Still to some extent experimental like the Act of 1903, the 1930 Act possesses flexibility by means of the Minister's wide powers of making regulations. The rather too elaborate schedule of speed limits is an instance where the very substance of the Act itself may be (and indeed already has been) varied by departmental regulation. Local Acts which restrict the running of public service vehicles on particular roads may be modified similarly by order. But in both these cases the two Houses of Parliament must pass a resolution approving the departmental action. The rigid demarcation of Traffic Areas in Schedule 3 may also be varied by the Minister's order; here the order requires no positive resolution, but its operation may be prevented on an adverse resolution by either House within a time limit. The Act was not to come into force until such day or days as the Minister might appoint. This press-the-button clause is familiar enough, but a learned commentator suggested the paradox that a deadlock resulted; if the

Act was not in force, there was no power to press the button.[1] One defendant, charged with an offence under the Act, successfully plied the magistrates with the doubt ; but no one has been so fortunate since.

Insurance.—The compulsory insurance of motorists has already been mentioned. The Third Parties (Rights against Insurers) Act (c. 25) is a further development of insurance law ; it meets a difficulty recently emphasized by two decisions in the Court of Appeal.[2] Let us suppose that (i) A insures himself against third party risks, (ii) B is injured by A and recovers damages from him, (iii) the insurance company pays A in respect of the liability under the policy, and (iv) A goes bankrupt. The courts held that in these events the insurance money, instead of being earmarked to compensate B, went into the pool on the bankruptcy. S. 1 of the new Act enables B to obtain the money. S. 2, with a prodigious protasis and apodosis, ensures that the third parties obtain the necessary information ; and s. 3 prevents an agreement between A and the insurance company to defeat the purpose of the Act.

Finance.—The annual Finance Act (c. 28) looks strange without the tea duty which has for so many years been in the forefront. Income-tax, surtax, estate duty and the excise duty on beer are increased ; what was left of the betting tax is abolished and certain expiring " safeguarding " duties are not renewed. Property owners who have turned themselves into limited companies are deprived of their shelter from the devastation of death duties ; a device for evading surtax by borrowing on life assurance policies also receives attention ; these two provisions bristled with difficulties for the draftsman. Machinery is created for reciprocal arrangements to relieve certain agency profits from double taxation. Revenue collection is to be aided by new facilities for summary recovery of income-tax, and the special commissioners can now obtain a copy of the entries in a corporate body's register of securities. Objects of national, scientific, historic or artistic interest are exempted anew from death duties unless sold ; if the sale is to the National Gallery, the British Museum or similar national or local institution or to a university, duties will not be chargeable. Other sections relate to London valuation, the National Debt, stamp duties and the usual ingredients of a Finance Act.

The session under review has two Isle of Man (Customs) Acts (cc. 1 and 42). In these a neat drafting device, by tabulating various duties which are to be continued, enables a single section to do work which otherwise some fifteen would do less clearly. A form of abbreviated citation is also worth noting as a precedent : " in this Act a reference to an Act of any year shall be deemed to be a reference to the Isle of Man (Customs) Act of that year."

The annual Appropriation Act (c. 27) and Consolidated Fund Acts (cc. 11, 14 and 18) call for no remark except perhaps an academic protest against the anomalous short titles of the latter. The three Acts are labelled as follows :

The Consolidated Fund (No. 1) Act, 1929 (Session 2) ;
The Consolidated Fund (No. 2) Act, 1930 ; and
The Consolidated Fund (No. 3) Act, 1930.

[1] See Sir Henry Theobald's letters in *The Times* of December 24, 1930, and January 1, 1931.

[2] See *In re Harrington Motor Co. Ltd.*, [1928] Ch. 105, and *Hood's Trustees* v. *Southern Union General Insurance Co. of Australasia, Ltd.*, [1928] Ch. 793.

A short title should anchor an Act to its own calendar year; two or more Acts on the same topic, if not otherwise distinguished by their short titles, should be distinguished by a numbered sequence as of that calendar year. Of the three Acts above-mentioned, the first (passed at the end of 1929) need not have been labelled "No. 1" of 1929, for there were no more to follow in that year; and "Session 2" is always otiose in a short title. The second and third are labelled "No. 2" and "No. 3" of 1930 when there is no "No. 1" of that year. The traditional considerations which link this particular class of statute to the financial rather than the calendar year explain but do not justify the anomaly. Short titles, with calendar years attached to them, are a clear and convenient simplification of the older cumbrous citation by regnal year and chapter. Any set-back to the simplifying process may be deprecated.

Every five years the annual Public Works Loans Act must add to its normal contents a clause reappointing Public Works Loan Commissioners. In the 1930 Act (c. 49) this clause was for the first time amended.

Rating and Local Government.—Local finance, so far as it consists of collections from the rate-payers' pockets, is left untouched in 1930, save for the land drainage rating arrangements already described and a new provision (c. 24) for valuing railways for rating. When the important Rating and Valuation Act was passed in 1925, a part of it which dealt with railways was dropped for want of time. This gap is now filled by an enactment on which the chief railway companies and the representatives of the local authorities were agreed. In effect the new Act makes an end of the old system of valuing a railway line in short lengths, parish by parish; it substitutes the Scottish system of cumulo valuation by reference to average net receipts over a period of years. A new body, the Railway Assessment Authority, with a legal chairman and nine nominated members, will determine the net annual value of a railway's undertaking and make a scheme for apportioning that value among all the properties of the railway in England. The principles of the apportionment scheme, outlined in the Act, must, in the case of "land used as a railway" (broadly, the running lines), "have regard, amongst other material considerations, to an estimate of the traffic conveyed"; in the case of other railway property, regard is to be had to the value for a railway company's purposes of the land and structures comprised. For Anglo-Scottish railways there is to be a Joint Authority, consisting of the chairman of the Railway Assessment Authority, one other member appointed thereby, and the Assessor of Railways and Canals for Scotland. Provisions for appeals (to the Railway and Canal Commission) and other consequential matters complete a technical and complicated Act.

A minor local government statute is the Sea Fisheries Regulation (Expenses) Act (c. 41), which permits the payment of travelling expenses to members of local fisheries committees in England. This is a small extension of the principle of s. 52 of the Local Government Act of 1929.

Criminal Law and Procedure.—A Court of Criminal Appeal is created for Northern Ireland. The Act for this purpose (c. 45) follows, and in form improves upon, the English precedent of 1907 and the Scottish precedent of 1926. There are a few minor differences. The London Court must consist of an uneven number of judges, not less than three; the Belfast Court, with fewer judges to call upon, may consist either of two or three. As in the English precedent, there is a further appeal to the

House of Lords where a point of law is of " exceptional public importance," on certificate of the Attorney-General. As in the Scottish precedent, there is power to substitute a more severe sentence on appeal against conviction as well as on appeal against sentence ; this is a power which England lacks. As in Scotland, again, for which special provision was made in 1927 to cover the Oscar Slater case, there is power to refer cases to the Court of Criminal Appeal in Belfast even though the appellant was sentenced before the Act was passed. The Act creating this new court had to be passed at Westminster instead of Belfast because matters relating to the Supreme Court of Northern Ireland remain (save in certain excepted particulars) " reserved matters."

An accused person in England is conceded wider facilities for free legal aid than were allowed by the previous Act of 1903. The Poor Prisoners' Defence Act of 1930 (c. 32) allows him this aid on the grant of a " defence certificate " by the committing justices or the court of trial if they are satisfied that his means are insufficient. A poor person will receive this certificate unconditionally if the charge is murder. On any other charge the justices or court must be satisfied that it is desirable in the interests of justice, " having regard to all the circumstances of the case (including the nature of such defence, if any, as may have been set up)." This modifies the Act of 1903, which refused aid where the accused had not disclosed the nature of his defence before the committing justices. Another change is the concession of free legal aid before courts of summary jurisdiction, where a " legal aid certificate " will entitle the accused to the services of solicitor and (if the charge is murder and the justices think fit) counsel. The word " prisoner " is avoided in the body of the Act (as it is usually now avoided also in courts of law until after conviction), but is retained in the short title as in the Act of 1903.

Miscellaneous.—The usual Expiring Laws Continuance Act (c. 12) has no special feature : it postpones consideration of the rent restriction problem by carrying over the 1920 Act (as amended) for another two years.

The British Museum Act (c. 46) modernizes archaic provisions in an early Act of 1753, relieving the principal librarian of the care of the natural history department and of the liability to enter into a bond of not less than £1,000 for the due performance of his duties.

The bursting of a dam in Carnarvonshire in 1925, and a similar disaster in Scotland later, led to the passing of the Reservoirs (Safety Provisions) Act (c. 51) to secure proper construction under the supervision of competent engineers. No new reservoir is to be filled with water until an expert, drawn from a panel of engineers appointed for the purpose, has given a preliminary certificate ; nor must it be filled above the level specified successively in preliminary and final certificates. Old or new, all " large reservoirs "—*i.e.* all with a content of over 5,000,000 gallons above the natural level of any part of the adjoining land—are to be periodically inspected. Proper records are to be kept of water levels, depth, flow, leakage, settlement of walls and any other matters to be prescribed. All certificates and reports are to be available for inspection.

Local and Private Acts.—There were 194 local Acts in this session as well as one private Act relating to the Argyll trust estate. Local Acts in many respects set up a standard higher than that which applies generally throughout the Kingdom. Thus several local Acts of 1930 anticipate provisions of the Road Traffic Act in the matter of traffic con-

trol, compulsory insurance, unauthorized use of vehicles and so on: the draftsman devises a formula for the automatic death of the local provision as soon as the equivalent change in the general law takes effect. There is a praiseworthy consolidation of the London Building Acts (c. clviii) in 182 pages. In addition to the statutory development of the multifarious activities of local authorities, railways and other public undertakings, there is an Act to vary the Shakespeare Birthplace Trust and another to improve the conservancy and amenities of the Malvern Hills.

The Special Report of the Select Committee on Local Legislation, officially published each session, gives a fairly complete list of the outstanding clauses of a novel character obtained by progressive cities and other bodies. Examples are the new Edinburgh clause (c. xlvii, schedule, s. 34) to combat the noise nuisance, the Cardiff clause (c. clxxiv, s. 88), compelling all dwelling-houses hereafter erected to have a fly-proof larder or other food storage accommodation, and the Epsom and Guildford clauses (c. cxv, s. 27, and c. cxvi, s. 27) enabling the rural district council to abate any serious injury to the amenities of a specified area caused by the display of advertisements on land. Local Acts follow previous precedents closely; the novelty of one session is often common form after a few years.

Church Assembly Measures.—Eight Measures became law during the session under the enabling Act of 1919. As Parliament now leaves church law to the Church Assembly, it is unlikely that the voluminous early statutes relating to ecclesiastical matters will be consolidated or simplified unless the Assembly undertakes the task. It is therefore encouraging to find that the Parsonages Measure (No. 1 of the session) consists in part of consolidation. It deals with the sale and purchase of parsonage houses, often nowadays too large for the needs and the pockets of the incumbents, and sometimes rendered redundant by the union of benefices. The position of the patron is considered and he is given a right of pre-emption. The Marriage Measure (No. 3) enables marriages to be solemnized in any church which is the usual place of worship of the persons to be married or of either of them, instead of in the church of parochial residence. The Pluralities Measure (No. 7) may look reactionary because it sets the clock back and enlarges the possibilities of pluralism. But it will be useful as a temporary or experimental method of uniting the work in two parishes which can suitably be administered together, especially if it is desired to make one strong parish out of two weak ones. It furnishes an alternative to the permanent method, not always popular, of joining incumbencies under the Union of Benefices Measure. Safeguards against the abuses of plurality are provided by requiring the approval of the bishop, the Ecclesiastical Commissioners and the patron or patrons, and the sanction of the Archbishop of Canterbury.

The Benefices (Transfer of Rights of Patronage) Measure (No. 8) further restricts the sale of the patronage rights in church livings which, until lately, could be disposed of like any other form of property. When in 1923 a Measure made patronage rights incapable of sale after the next two vacancies, the traffic in livings was stimulated. Well-organized interests were in the market to buy, and there were patrons naturally ready to sell while they could. The new Measure abolishes the secrecy of these transactions. Henceforth if a patron wants to sell a living, he must communicate his intention to the bishop and must give the name and address of the proposed transferee and the particulars of the proposed

transfer. The bishop will notify the churchwardens and the parochial church council, the latter being then entitled to state its objections. Thus the parishioners' feelings are no longer entirely ignored, even if the Act depends upon persuasion rather than coercion for its effectiveness.

The Clergy Pensions (Older Incumbents) Measure (No. 6) comes to the aid of clergymen who were 55 before the beginning of 1927 and who had thus been left outside the previous Pensions Measure of 1926. Another Measure (No. 4) enables pensions to be granted to the paid members of the Church Estates Commission; another (No. 2) concerns the Archdeaconry of Surrey, making an adjustment consequent upon the division of the diocese of Winchester; another (No. 5) extends to the diocese of the Isle of Man the prospective benefit of grants from the resources of the Ecclesiastical Commission.

Delegated Legislation of 1930.—The Statutory Rules and Orders registered in the calendar year 1930 number 1,166 (408 general and 758 local). Critics of delegated legislation sometimes assume that the annual output of rules and orders is progressively larger each year. The total for 1930 is, however, with one exception, the lowest annual total for sixteen years; it is lower than the annual total in ten of the pre-war years between 1893 (when the Rules Publication Act system began) and 1913.

There is no need to remind readers of the miscellaneous contents of the official annual volume of Statutory Rules and Orders. If an attempt be made to distinguish certain classes of rules and orders in respect of their relation to the statute book, we might note four types. First there are those orders which take essential steps in the operation, application or extension of an Act of Parliament—for instance, those which switch on the legislative current by fixing an "appointed day" for the commencement of an Act, or those which apply the Imperial or international arrangements of the Copyright Act to some fresh country or create exceptions to the scope of the "safeguarding" duties. Secondly, there are the rules or regulations which contain the petty detail of enactments—for instance, the forms to be used for the abstract of accounts of receipts and expenditure in the case of a town council in Scotland. Thirdly, there are supplementary matters which are rather more than petty detail—for instance, the Mental Treatment Rules, a code of management for institutions giving to voluntary and temporary patients the new form of treatment introduced by the Mental Treatment Act; here we see provisions which affect personal rights, but they are provisions which Parliament has already approved in a slightly different context and has allowed to be adapted for the present purpose. Lastly, in this by no means exhaustive classification, we may note a type like the Local Government (Scotland) Adaptation of Enactments Order, made under s. 76 of the Local Government (Scotland) Act of 1929 (S.R.&.O. 1930 (No. 1026), p. 864). This order modifies twenty-three sections of previous Acts, and is in effect just such a "schedule of minor amendments" as Parliament might have included in the 1929 Act itself had time permitted and necessity demanded. But though the departmental order makes changes in the language of statutes, it contains no fresh principle: it merely gives verbal effect to decisions already taken by Parliament. Acts must pass as and when they can, without waiting for the perfection of absolute completeness.

2. JERSEY.

[*Contributed by* C. W. Duret Aubin, Esq., *H.M.'s Solicitor-General for Jersey.*]

During the year 1930 fifteen laws passed by the States were confirmed by Order of His Majesty in Council and became operative. Of these only five were of other than purely local interest.

Employment of Women, Young Persons and Children.—By Act No. L14 there were made operative in Jersey the provisions of the three Conventions adopted at Washington in 1919 (November 28) by the International Labour Organization of the League of Nations, in so far as they related to: (1) The minimum age for admission of children to industrial employment; (2) The night work of young persons employed in industry; (3) The night work of women employed in industry.

By the same Act there were also made operative the provisions of a Convention, adopted at Geneva in 1920 (July 9) by the same Organization, in so far as it related to fixing the minimum age for admission of children to employment at sea.

Chartered Associations.—By Act No. L18 provision is made for the registration in Jersey of an Order in Council obtained by a chartered association in pursuance of s. 1 of the Chartered Associations (Protection of Names and Uniforms) Act, 1926 (16 & 17 Geo. V, c. 26).

Marriage of a Jersey Resident Abroad or in the United Kingdom.—By Act No. L19, Article 32 (as amended) of the Law on the Registration of Births, Marriages and Deaths (1842) is repealed and a new article is enacted in order to conform with the provisions of the Orders in Council, Foreign Marriages: Orders in Council 1913 and 1925, issued in pursuance of the Foreign Marriage Act (55 & 56 Vict., c 23); and with those of the Marriage of British Subjects (Facilities) Acts, 1915 & 1916, relating to the granting (*a*) to a person residing in the United Kingdom or in a British possession of a certificate for the celebration of a marriage abroad, or (*b*) to such a person residing in a British possession outside the United Kingdom of a certificate for the celebration of a marriage in the United Kingdom.

Reorganization of Public Service.—By Acts Nos. L22 and 24 there are set up the Departments of the Viscount (the chief executive officer of the Crown and of the Royal Court) and of the law officers of the Crown. These departments were created in consequence of the decision of the States to reorganize the public services of the Island and, as part of such reorganization, to pay to the officials in question a fixed allowance in lieu of the casual emoluments which they had hitherto received for such public work as they had performed.

3. NORTHERN IRELAND.

[*Contributed by* Sir Arthur S. Quekett, K.C., LL.D.]

The second session of the third Parliament of Northern Ireland was opened on March 11, and prorogued on November 25, 1930. Twenty-four public general Acts and three local Acts were passed and received the Royal Assent.

Agricultural Produce.—The primary object of the Agricultural Produce (Meat Regulation) Act (c. 23) is to secure the maintenance of proper standards of quality in meat sent from Northern Ireland to Great Britain,

the Irish Free State or the Isle of Man. The trader must have a licence from the Ministry of Agriculture; in order to obtain a "fresh meat licence" he must use only registered premises for the slaughter of animals; to qualify for a "bacon curer's licence" he must hold a licence under the Act for carrying on (whether for export or otherwise) the business of curing bacon and hams. Carcases for export are to be inspected by a government veterinary inspector, and inspection fees are payable.

An interesting feature of the Act is a provision (s. 10) for a kind of voluntary insurance as between the buyer and the seller of a pork carcase. The buyer deducts a sum—not to exceed 1s.—from the price of the carcase, and for this consideration accepts the risk of the carcase being subsequently rejected by the inspector as unfit for human consumption.

Extensive powers for the seizure, detention and destruction of consignments of meat are conferred upon the police and other authorized officers. The Ministry of Agriculture may, however, compensate the consignor for loss in a case where the Ministry is satisfied that the officer who detained or destroyed the meat "had no reasonable grounds for believing that an offence under this Act was committed in relation to such meat."

The Ministry is also empowered to make rules for regulating consignments of dead rabbits and dead poultry.

Unless otherwise prescribed, the Act is not to apply to meat consigned to the Irish Free State, except where the consignment is ultimately intended for shipment to Great Britain or the Isle of Man. The powers of local authorities as to the licensing of slaughter-houses are expressly preserved.

Electricity Development.—The Electricity (Interim Supply) Act (c. 21) enables the Ministry of Commerce to take the initial steps towards setting up a co-ordinated system of electricity supply throughout Northern Ireland, in accordance with expert recommendations made to the Government in two published reports on electricity development. The Act gives to the Ministry certain powers which are limited to a period of one year from November 25, 1930, and to an expenditure of £100,000, it being contemplated that the control of electricity development schemes should subsequently be vested in a non-profit-earning public authority.[1]

The preliminary steps which the Ministry of Commerce may take, pending the setting up of the Electricity Board, include the purchase of generating stations, the use, acquisition or construction of main transmission lines, the supply of electricity for power purposes, and the provision of apparatus for enabling supplies of electricity to be obtained from existing main transmission lines. The Ministry is also empowered to employ consultants to advise as to schemes and carry out surveys and investigations.

Tithe Rentcharge and Variable Rents.—C. 22 is a brief measure dealing with a matter which has a long history. Tithe rentcharges were substituted by the Tithe Rentcharge (Ireland) Act, 1838, for the compositions for tithes payable under earlier statutes. In analogy with the tithes payable in kind, the amount of which fluctuated according to the seasons, the compositions and rentcharges were rendered by the legislature subject to revision at fixed recurring periods. Under the Act of 1838 tithe rentcharge was liable to be increased or diminished by the courts

[1] Such an authority was, in fact, set up by statute in the following year, under the title of "The Electricity Board for Northern Ireland."

of quarter sessions in accordance with the rise and fall in the price of corn as published in the *Dublin Gazette*.

In the year 1898 it was decided by the Irish Court of Appeal [1] that, in consequence of the *Dublin Gazette* having failed to publish the true average prices of corn, the quarter sessions courts had no jurisdiction to vary tithe rentcharges. To meet this difficulty the Tithe Rentcharge (Ireland) Act, 1900, set up a new canon of variation, for terms of fifteen years, by reference to the average percentage of variation of " fair rents " in each county—this being shown by a certificate of the Irish Land Commission published in the *Gazette*. The decision of the Court of Appeal as to tithe rentcharges was equally applicable to variable rents, calculable upon an average of prices of produce, and so the provisions of the 1900 Act were applied to these rents by s. 90 of the Irish Land Act, 1903.

In the last period of fifteen years, commencing in 1915, very few " fair rents " were fixed owing to war and other conditions. Moreover, by the Northern Ireland Land Act, 1925, the system of fixing " fair rents " by means of a judicial tribunal was abolished. Thus the material upon which the certificate of variation had to be based became a vanishing quantity, and a deadlock again arose, to be dealt with in part by the Act now summarized.

C. 22 gives, by way of variation, an all-round reduction in tithe rentcharges and variable rents to an amount of 8 per cent. in cases where the rentcharge or rent is payable to the Ministry of Finance (as successors, through the Irish Land Commission, of the Church Commissioners). The Act also enables lay impropriators and other persons receiving tithe rentcharge or variable head rents to agree upon the 8 per cent. reduction ; and, in the absence of such agreement, the Act leaves them in the position of having recourse to such certificate (if any) as the Ministry of Finance could issue under the Act of 1900.

Housing.—The Housing Act (c. 5) was passed so as to strengthen the provisions for preventing evasion of the requirements for the " housing subsidy," and other similar assistance, afforded under previous Housing Acts.

The Labourers Act (c. 9) provides for the giving of a parliamentary grant to rural district councils in aid of the repayment by them of loans borrowed to carry out labourers' cottage schemes in certain cases for which State assistance by way of advances from the Land Purchase Fund is not available. The Irish Labourers Acts were, from their inception in 1883, temporary in operation and have been continued year by year by the Parliament of Northern Ireland. C. 9 gives a further continuance of five years, in view of the borrowing facilities afforded by the Act.

National Health Insurance.—C. 13 was passed so as to provide for the inclusion of medical benefit amongst the benefits conferred upon insured persons in Northern Ireland under the National Health Insurance Act, 1924. For the purposes of the Northern Ireland Act, " medical benefit " has the same meaning as it has in the enactments relating to health insurance in Great Britain, that is to say, it means medical treatment and attendance. The funds required for defraying the cost of medical benefit, and the expenses incurred by the Ministry of Labour in the administration of insurance benefits, are to be derived from contributions made by or in respect of the contributors themselves or their employers in the same proportions and to the same extent as in the case of funds required for

[1] *R.* (*Metge*) v. *Justices of Meath*, [1898] 2 I.R. 592 ; 624.

the purposes of the Act of 1924, and the balance is to be derived from voted moneys. In consequence of the addition of medical benefit, the contributions payable in respect of employed contributors are, by the new Act, raised to the rate which is in force in Great Britain.

What is known as the " panel system " is applied by the Act with modifications suitable to Northern Ireland.

A Medical Benefit Council is established for giving general advice to the Ministry of Labour upon the administration of benefit, and functions in relation to complaints by insured persons can be bestowed upon this Council and upon committees for local areas. Medical and pharmaceutical committees are also to be set up.

The Act provides for a scheme for the visiting of sick or disabled insured persons, to be available for use by approved societies as part of the system of National Health Insurance. The facilities for institutional treatment, known as " Sanatorium Benefit," which were provided for Ireland by the original Act of 1911 in lieu of medical benefit, are discontinued ; and a new parliamentary grant is provided by way of compensation to local authorities for the withdrawal of the sums formerly available for defraying the expenses of sanatorium benefit. The Act abolishes the insurance committees which had been set up for each county and county borough under the Act of 1911, and transfers their functions to the Ministry of Labour.

Education.—C. 14 amends the Education Act (Northern Ireland), 1923—the " Londonderry Act "—in some particulars, and makes fresh provision as regards various matters of educational administration.

S. 1 requires the Minister of Education to appoint, as members of each Local Education Authority, a limited number of representatives of the " transferors " of public elementary schools—that is to say, the trustees, persons or body who have transferred public elementary schools to the Education Authority. Members so appointed are to be additional members and are not to exceed in number one-fourth of the total number of members of the Education Authority.

Under s. 2 each Education Authority must make provision for the local management of every provided or transferred public elementary school in their area by setting up a School Management Committee ; and several such schools may be grouped under one Management Committee. The School Management Committee is, so far as practicable, to consist, as to not less than half of its members, of representatives of transferors and representatives of former managers of schools superseded by provided schools. The remaining membership is to include representatives of parents of children attending the school, and otherwise is to consist of persons nominated by the Education Authority. The Education Authority must also nominate representatives of teachers employed at the schools, but these may not vote on any question regarding the selection of a teacher. Upon the School Management Committee is conferred the right of making recommendations to the Education Authority as to applicants for the appointment of teacher in the schools under their management, and (under s. 3) the Education Authority, in making their selection, are to confine themselves to the qualified candidates (not being more than three) whose names are submitted to them by the School Management Committee. In the event of a disagreement, the Ministry of Education has certain powers of intervention.

S. 4 of the Act gives a right to the parents of not less than ten children,

who are in regular attendance at a public elementary school, being a provided school or transferred school, to require the giving to those children of Bible instruction, that is to say, " instruction based upon the Holy Scriptures according to some authoritative version or versions thereof, but excluding instruction as to any tenet which is distinctive of any particular religious denomination."

S. 6 extends the powers which the Ministry of Education has, under s. 98 of the Act of 1923, to enforce the performance of duties by an Education Authority. The new section enables an order to be made for the purpose of compelling an Education Authority to exercise such of their powers as in the opinion of the Ministry " require to be exercised for the promotion of elementary or higher education," or to refrain from doing any act which in the opinion of the Ministry " is prejudicial to the promotion of elementary or higher education."

Ss. 7 to 10 contain provisions as to elementary education. The last-mentioned section, in particular, enables a 50 per cent. government grant out of voted moneys to be given for the provision of equipment of new voluntary schools or the alteration, enlargement, reconstruction or equipment of existing voluntary schools ; this section also enables government loans to be made for similar purposes.

Ss. 11 to 21 enable residences to be provided for teachers and caretakers at schools under an Education Authority ; extend the powers of Education Authorities in connexion with higher education ; and amend the Act of 1923 in relation to school attendance and the employment of children and young persons.

S. 22 enables a State school to be set up under the management of the Ministry of Education for feeble-minded children, and s. 23 requires the names of mentally defective children, on reaching the age of 16 years, to be notified by the Education Authority to the Ministry of Home Affairs.

Criminal Law.—C. 3 extends the period of limitation in the second proviso to s. 5 of the Criminal Law Amendment Act, 1885, thus following the Act which was passed for Great Britain in the year 1928 (18 & 19 Geo. V, c. 42).

Personation at Elections.—The Parliamentary and Local Government Elections Act (c. 6) was passed in order to give effect to recommendations made by a departmental committee which inquired into law relating to personation at elections. The Act makes various amendments which were suggested by the committee. In the first place, it repeals a provision of the Ballot Act, 1872, requiring returning officers to institute proceedings for personation, and places the duty of prosecution entirely upon the Crown, by enacting that a charge of personation shall be prosecuted in the same manner as any other charge of felony. The Act enables poll clerks to order arrest in the absence of the presiding officer. It repeals an enactment requiring the evidence of not less than two credible witnesses to prove a charge of personation, and makes the preliminary procedure correspond with that which applies generally in the case of indictable offences. The power of committing for trial in personation cases is confined to one resident magistrate. The definition of " personation " at local government elections is assimilated to that which applies in the case of parliamentary elections.

The departmental committee reported that " the existing law as to personation and other matters more or less directly connected therewith appears to us to be in need of simplification, and, indeed, in some cases of

a clearer elucidation of its intent. In the course of our inquiry we have been struck by a number of discrepancies and anomalies affecting not only the form but also the substance of the law." The committee gave it as their opinion that the law relating to personation at both parliamentary and local government elections should be codified in one general statute. This recommendation was followed by the Act, which consolidates the existing law with amendment and clarification.

Besides giving effect to the recommendations of the Departmental Committee, the Act includes a provision substituting ten years' standing for fifteen years' standing as the qualification for barristers to act as election courts for the trial of local government election petitions.

The Act is not applicable to elections of members returned by constituencies in Northern Ireland to serve in the Parliament of the United Kingdom at Westminster, because the Northern Ireland Parliament has no power to alter the laws relating to such elections, and no similar amending enactment has as yet been passed by the Westminster Parliament. This state of affairs is not altogether satisfactory, seeing that the Imperial elections and the elections to the local Parliament are carried out by the same officials. It is, however, reasonable to hope that when the Northern Ireland Act has stood the test of practical working, its principles will be applied to the election of the members who represent Northern Ireland at Westminster.

Third Party Insurance.—The purpose of c. 19 is to confer on third parties rights against insurers in any of the following events : (*a*) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors ; (*b*) if the insured is a company, in the event of a winding-up order being made ; (*c*) in the event of the insured dying insolvent so that his estate is administered according to the law of bankruptcy.

The inequity of the former law was illustrated in the case of *In re Harrington Motor Co. Ltd. Ex Parte Chaplin*, [1928] Ch. 105. In that case a pedestrian, who had obtained a judgment for damages and costs against a taxi-cab company in an action for personal injury, found that on the supervening insolvency of the company he was merely entitled to prove in the bankruptcy, although an insurance company had paid over to the liquidator of the taxi-cab company the amount of damages and costs for which judgment had been obtained. In *Hood's Trustees* v. *Southern Union General Insurance Co. of Australasia, Ltd.*, [1928] Ch. 793, a defendant in an action for personal injuries arising out of a motor accident was adjudicated bankrupt before the plaintiff had obtained judgment against him. The plaintiff obtained his judgment, but, in an action brought by the defendant's trustee in bankruptcy against the company which had insured the defendant against third party risks, it was held that the trustee was entitled to any sum which the defendant company were bound to pay under the policy, whilst the insured plaintiff could not even prove against the trustee in bankruptcy, as his claim was for damages for a tort and had not been liquidated by a judgment before the defendant's adjudication.

Both these cases were decided in the Court of Appeal in England, and the anomalies disclosed were remedied as respects Great Britain by the Act 20 & 21 Geo. V, c. 25. The provisions of that Act are followed by the Northern Ireland statute.

Roads, Canals and Motor Traffic.—C. 2 amends some enactments

which had survived from the Grand Jury (Ireland) Act, 1836, under which the width of public roads was limited to " 50 feet in the clear."

C. 10 has for its object the removal of difficulties which were found to exist in the application of s. 45 of the Railway and Canal Traffic Act, 1888, when the Ministry of Commerce was invoked to issue a warrant for the abandonment of an " unnecessary canal " and to make an order releasing the canal proprietors and the canal undertaking from statutory obligations attaching thereto or involved in the abandonment. The enactment of 1888 required that the claims of persons entitled to compensation should all be disposed of before a warrant of abandonment might be granted. The Northern Ireland Act enables the warrant to issue if security for payment of compensation claims, subsequently to be determined, is given by the proprietors of the canal. The Act also extends the range of subjects for which provision may be made by the Ministry of Commerce in the order of release.

The Motor Vehicles and Road Traffic Act (c. 24) contains various provisions chiefly dealing with motor traffic.

Part I of the Act, by its first section, gives effect to a reciprocal arrangement arrived at with the Minister of Transport in Great Britain for the interavailability of the ordinary licences for driving motor-cars. The complementary enactment will be found in s. 32 of 20 & 21 Geo. V, c. 43, and S. R. & O. 1930, No. 1005. S. 2 follows the principle of the Conveyance of Mails Act, 1893, and places the proprietors of public service vehicles under an obligation to convey mail bags and postal officials where required by the Postmaster-General. The obligation is limited, and differences as to the remuneration to be paid by the Postmaster-General for services performed can be determined by the tribunal which was established by the Motor Vehicles and Road Traffic Act (N.I.), 1929, for fixing the fares and rates for public service vehicles. During the progress of the Bill through Parliament, clauses were added, following the precedent of 20 & 21 Geo. V, c. 43, to deal with " joy-riding " and to restrict " pillion riding."

Part II of the Act makes it compulsory to insure against third party risks, arising out of the use of motor-cars on public highways, in the case of those persons who use them or who cause or permit any other person to do so. This part of the Act closely follows Part II of 20 & 21 Geo. V, c. 43.

Amendment of Company Law.—C. 12 enacts for Northern Ireland a series of provisions amending the Company Law and corresponding in the main to the provisions of 18 & 19 Geo. V, c. 45, which, as respects Great Britain, now find a place in the Companies Act of 1929, 19 & 20 Geo. V, c. 23. The Act contains some provisions due to special circumstances in Northern Ireland. S. 82 sets up, for the first time, a fund to which unclaimed dividends and unapplied or undistributable balances are to be paid in a case where a company has been wound up voluntarily. Under s. 100 a court of summary jurisdiction, when trying an offence under the Companies Acts which such court is competent to try, is to consist of a resident magistrate, and a court of quarter sessions, when hearing an appeal from the summary court, is to consist of the county court judge or recorder sitting alone. The coming into operation of the majority of the provisions of the Act is being deferred until a consolidating Act has been passed. In the meantime, s. 54, which relates to reorganizations of share capital, and s. 96, which deals with what is commonly known as " share pushing," have been in operation since the passing of the Act.

Weights and Measures.—C. 16 contains provisions for bringing the Weights and Measures Acts up to modern requirements. The Ministry of Commerce could make general regulations with respect to the verification and stamping of " measuring instruments " ; and the statutory definition of that term included an instrument for the measurement of length, capacity, volume, temperature, pressure or gravity, but not an instrument for the measuring of superficial area, or for measurement by counting. The amending Act enables such instruments to be brought within the scope of statutory regulations. It also enables provision to be made for the further supervision of measuring instruments " when used for trade," and for this purpose it makes an amendment of the statutory definition of " trade," which under the former law contemplated only transactions based upon weight or measure.

The provisions of the Weights and Measures Acts, which deal with penalties—*e.g.* for the use of unjust instruments or for fraud in the use of instruments—applied to weighing instruments but not to measuring instruments, such as petrol pumps. The enactments as to the testing of instruments by means of local standards were similarly restricted. The Act brings measuring instruments within the scope of the code in these respects.

The Act also removes any doubt as to the power of the Ministry of Commerce to charge fees on the comparison and verification of local standards, whether or not the apparatus is found correct or is stamped.

Financial Legislation.—C. 4 gives an additional grant of £5,000 from the Consolidated Fund to the Irish Sailors' and Soldiers' Land Trust for housing, and empowers the Ministry of Finance to make an advance to the Incorporated Law Society of Northern Ireland for the purposes of the Society's contribution towards the accommodation to be provided for them at the Royal Courts of Justice, Ulster.

C. 8 raises to £1,750,000 the limit on the amount of outstanding advances to the current account of the Unemployment Fund.

The Finance Act (c. 11) brings into force higher rates of excise licence duty in the case of certain classes of mechanically propelled vehicles, *i.e.* bicycles ; hackney carriages ; agricultural engines ; vehicles used for the conveyance of goods or burden of any description. The Act amends the law as to licence duty on articulated motor vehicles, and gives an exemption from licence duty to motor vehicles used for the haulage of lifeboats. New rates of estate duty are enacted, as was done during the same year in Great Britain. The fee for a licence to drive a motor-car is increased from 5*s.* to 10*s.*, subject to the proviso that the 5*s.* remains chargeable in the case of licences limited to driving public service vehicles and other motor-cars not kept for ordinary private use.

C. 17 amends the enactments relating to the Reserve Fund and the Capital Fund, with the general effect of making the latter a Sinking Fund to accumulate as against the Unemployment Fund suspense deficit.

4. IRISH FREE STATE (SAORSTÁT ÉIREANN).

[*Contributed by* A. Denis Pringle, Esq., *Barrister-at-Law.*]

Public Acts passed—36.

Constitution.—Only one Act amending the Constitution was passed during the year, the Constitution (Amendment No. 12) Act (No. 5),

amending Art. 35, which deals with the reference to a Committee of Privileges of the question whether or not certain bills are money bills. The amending Act simply alters the time within which the question can be raised and extends the right to have it referred to the committee to " a majority of the members of Seanad Éireann present and voting at a sitting of Seanad Éireann at which not less than thirty members are present." The Act also makes provision for vacancies occurring in the Committee of Privileges.

Finance.—The Finance Act (No. 20) continues income-tax (3*s.* in the £) and surtax as before. S. 3 removes any doubt as to the liability of the Electricity Supply Board for income-tax by declaring that the Board " is not and never was a branch or department of the government of the State." Part II, dealing with Customs and Excise, imposes (s. 6) additional duties on wine. S. 11 provides for a rebate of 25 per cent. of the duty paid on mechanically-propelled vehicles (other than hackney-cars) of which the engine was constructed before January 1, 1926. The definition of " hawkers " contained in the Hawkers Act, 1888, is amended by s. 12, and the duty to be paid for a hawker's licence is fixed at £10. The duty on moneylenders' licences (s. 13) and on game-dealers' licences (s. 14) is increased. The Finance (New Customs Duties) Act (No. 4) imposes a duty of 20 per cent. on imported quilts and quilt-covers (s. 1).

Education.—The Vocational Education Act (No. 29) is expressed to be " an Act to make further and better provision in relation to Continuation Education and Technical Education." It contains no less than 126 sections, dealing with the establishment of vocational education committees (Part II), their duties and powers to prepare schemes, establish schools, day technical colleges and scholarships (Part III), the establishment and maintenance of vocational education funds (Part IV), the enforcement of continuation education for young persons up to fifteen years of age (Part V), the enforcement of technical education between the ages of sixteen and eighteen (Part VI), the amalgamation of urban district vocational education areas with county vocational education areas (Part VIII) and the general powers of the Minister for Education in relation to local inquiries and grants (Part IX). The School Meals (Gaeltacht) Act (No. 23) makes provision for the supplying of meals to children attending national schools in the native-speaking districts by the Boards of Health in those districts.

Electoral.—The Seanad Bye-Elections Act (No. 1) simply deals with the machinery for the conduct of elections held to fill the places of members of the Senate who die, resign or become disqualified.

Local Government.—The Local Government (Dublin) Act (No. 27), popularly known as the " Greater Dublin " Act, is an important Statute extending the area of the City of Dublin by including therein the urban districts of Pembroke and Rathmines—Rathgar and certain rural areas, and establishing a new borough extending along the coast south of the city, and comprising the urban districts of Blackrock, Dun Laoghaire (formerly Kingstown), Dalkey, Killiney and Ballybrack. The City Corporation, which had been dissolved in the year 1924 and whose duties and powers had since that date been exercised by City Commissioners, is by s. 30 restored and the election and tenure of office of Lord Mayor is dealt with by s. 38. A Borough Corporation for the coastal borough is provided for in s. 42 and following sections, and the remainder of the Act deals with provisions for the administration of the city and borough.

Sweepstakes.—The legalization of sweepstakes for Irish hospitals, a step which aroused almost world-wide interest, and which was the subject of considerable controversy, was effected by the Public Charitable Hospitals (Temporary Provisions) Act (No. 12), an Act which, if only by reason of its great practical interest to persons residing in Great Britain, Northern Ireland and other countries where sweepstakes are illegal, deserves somewhat full consideration. By s. 1 the word " sweepstake " is defined as " a drawing or distribution of prizes by lot or chance whether with or without reference to the result of a future uncertain event," and by the same section the Act is applied to every hospital (which is defined as including sanatorium or other institution which affords medical, surgical or dental treatment) which (*a*) is situate in Saorstát Éireann, and (*b*) is in receipt of voluntary subscriptions from the public, and (*c*) during the financial year next preceding the passing of the Act used on a daily average not less than 25 per cent. of its total accommodation for indoor patients for patients who did not pay for treatment, or who paid at a rate not exceeding 10s. per week, or in the case of a dental hospital accorded free treatment to not less than 25 per cent. of the patients treated. S. 2 provides for the appointment of a Committee to prepare and submit a scheme to the Minister for Justice specifying the names of hospitals desiring to participate, particulars of prizes, number and date of drawings, price of tickets, amount or maximum amount of commission or remuneration proposed to be allotted to sellers of tickets and other particulars regarding the proposed scheme.

By s. 3 it is provided that the Minister may sanction such scheme, and when a scheme is sanctioned it becomes lawful for a sweepstake to be held in accordance with such scheme, and by s. 4 provision is made for the deposit of the total amount or value of the prizes in a public bank in Saorstát Éireann in the names of not less than three of the trustees of the Committee.

S. 5 deals with the application of the balance of the moneys received, after the prize-money and expenses have been deducted ; and the moneys received are to be applied with the following limitations : (*a*) the amount for paying expenses is not to exceed 30 per cent., (*b*) the amount to be paid to a person for promoting a sweepstake (which is to be deemed part of the expenses) shall not exceed 7 per cent., (*c*) the amount to be paid to the participating hospitals shall not be less than 20 per cent. The accounts must be audited within three months after the drawing of the prizes, and a Committee failing to have this done is guilty of an offence punishable by a fine not exceeding £50 and in the case of a continuing offence not exceeding £5 *per diem* (s. 6).

By s. 7 of the Act every book of tickets must have clearly printed thereon the names of the participating hospitals and the proportions in which they will share, and each ticket must contain a statement requesting the purchaser to notify the Committee direct in the event of a failure to acknowledge receipt of remittance. No advertisement or document issued in connexion with a sweepstake is to contain any indication that the sweepstake is under the auspices or patronage of the Government or of any Minister of the Government. Under s. 10, so far as may be practicable all printing is to be done in Saorstát Éireann and all paper and other materials to be of Saorstát Éireann manufacture. The Act is to remain in force until July 1, 1934, and shall then expire (s. 11).

Illegitimate Children.—For the first time the father of an illegitimate

child in the Irish Free State can be made liable by affiliation order to contribute to the support of such child, under the provisions of the Illegitimate Children (Affiliation Orders) Act (No. 17). Under s. 2 summonses can be issued either by the mother or by a local body administering relief to the mother or child, and upon an information being sworn by the mother identifying the father the district justice can issue a summons requiring the alleged father to attend on the application for an affiliation order. The application must be made either before the birth of the child or six months thereafter, except where the alleged father has been contributing, or is resident outside Saorstát Éireann, in which cases the times are extended.

Affiliation orders (s. 3) may provide for the payment of expenses incidental to the birth, funeral expenses, a weekly sum not exceeding 20*s.*, or where the putative father consents a lump sum. Before making an order the district justice must hear evidence by the mother, and also evidence corroborative in some material particular of her evidence. By the same section the public can be excluded from court during the hearing, and reports of the proceedings must be confined to the names of the parties and their representatives, points of law raised and the decision pronounced, and the penalty for infringing this provision is a fine not exceeding £500 or six months' imprisonment or both. Weekly sums ordered to be paid by a putative father continue until the death of the child, or his or her attaining sixteen years, or its commutation under the Act or termination by the district justice. If when the child attains sixteen it appears to the district justice that he or she is so mentally or bodily deficient as to be totally and permanently unfit for employment of any kind, the weekly payment can be continued for the life of the child (s. 4).

The district justice is given power under s. 6 to order a putative father to pay a sum not exceeding £50 for the purpose of apprenticing the child to a trade. The application for such an order can be made before the child attains sixteen or within six months thereafter.

Provision is made for the commutation of weekly sums (s. 8), the approving by the district justice of voluntary agreements by a father to maintain his illegitimate child (s. 10) and the attachment of pension or income (s. 13).

Game Preservation.—Some important changes in the game laws are contained in the Game Preservation Act (No. 11). Under s. 3 the close season for various classes of game is dealt with by reference to the First Schedule, and the Minister for Justice is empowered to issue permits to packs of harriers and coursing clubs to kill hares during the close season. S. 4 makes it unlawful to kill or take any game (except duck and geese) during the hours between one hour after sunset and one hour before sunrise. Game may not be sold during the close season save the first five days thereof (s. 5). Special protection orders may be made by the Minister prohibiting for any specified period not exceeding a year the killing or taking of any particular game-bird (s. 6) in Saorstát Éireann or in any particular area. Similar orders may be made in respect of hares save that the prohibition may be permanent (s. 7). The trapping, snaring or netting of game is prohibited under s. 9 except in the case of rabbits by an occupier on his own land. Hares for coursing (s. 10) and pheasants, partridge and hares for re-stocking purposes (s. 11) are exempted from this prohibition. It is made an offence by s. 12 to take or injure the eggs of game-birds or to mutilate their nests, except for the

purpose of having the eggs properly hatched out. Packages containing game must be clearly marked on the outside with the word " Game," and must also bear the name and address of the consignor. Part II of the Act deals with restrictions on the sale and purchase of game and provides by s. 21 for the issue and renewal by a district justice of game-dealers' licences, which must be renewed yearly. Partridge, pheasants and grouse may not, except with the permission of the local superintendent of the Civic Guards, be exported during a period of two years after the passing of the Act (s. 27). The burning of gorse, furze, etc., without permission is prohibited by s. 28, and holders of £2 firearm certificates may require any person carrying a shotgun (save on his own lands) to produce his licence for inspection, and failure to do so is an offence.

Wild Birds.—All wild birds, other than those coming within the definition of game-birds in the last-mentioned Act, are included in the purview of the Wild Birds Protection Act (No. 16), which prescribes a close time for taking or killing wild birds between March 1 and July 31, with power for the Minister for Justice to extend the time in any particular area and for any particular birds. Special permission may be granted for the killing of wild birds during the close time for special reasons, as for instance for the protection of fisheries (s. 3).

S. 4 makes it an offence (1) to use as a scarecrow any live bird which is tethered, (2) to use as a decoy any live bird which is so tethered as to cause suffering, or which is blind, maimed or injured, (3) to use bird-lime to capture wild birds alive, or (4) to take any wild bird by means of a hook or other similar instrument. The setting of traps on trees or poles is prohibited by s. 5, and by s. 6 birds must be kept in a cage of sufficient size to allow them to stretch their wings and exercise themselves. Prohibition orders may be made as to the taking or destroying of wild birds' eggs for any particular time and in any particular area (s. 7), and certain kinds of live wild birds may not be exported from Saorstát Éireann (s. 8).

National Monuments.—The protection and preservation of national monuments is dealt with in the National Monuments Act (No. 2). Their guardianship can be entrusted to the Commissioners of the Board of Works or to the local authority, and " preservation orders " may be made by the Minister for Finance, in reference to monuments which are in danger of being destroyed or of falling into decay. Any injury done to a national monument is made an offence, provision is made for the admission of the public to national monuments, and the Commissioners are given power to prohibit burials within or near to national monuments. Persons who find " any archæological object " must report such finding to the Civic Guards, or to the Keeper of Irish Antiquities in the National Museum, within fourteen days (s. 23), and the export of archæological objects without a licence is prohibited (s. 24), as also is the excavation of land for the purpose of searching for such objects without a licence (s. 26).

Censorship of Sound-films.—The extension of the censorship of Films Acts to sound-films is effected by the Censorship of Films (Amendment) Act (No. 13).

Agricultural Produce.—Two important Acts dealing with the export of fresh meat (No. 10) and eggs (No. 36) respectively were passed during the year. The former makes elaborate provision for the registration and control of premises used for slaughter, the licensing of persons engaged in exporting fresh meat and offals, and their examination and certification

before export, while the latter makes certain amendments in the similar Act of 1924, mainly making further provisions as to premises in which the business of preserving eggs is carried on.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[*Contributed by* FREDERICK READ, ESQ., LL.B., *Staff Lecturer of the Manitoba Law School.*]

1929.

The Third Session of the Sixteenth Parliament opened on February 7, 1929, and closed by prorogation on June 14, 1929. Sixty-four Public Bills, thirty-four Private Bills and two hundred and thirty-eight Divorce Bills were passed.

Root Vegetables.—C. 7 amends the Root Vegetables Act by providing that the Minister of Agriculture, on the recommendation of vegetable growers and allied interests, through their respective provincial organizations, may make regulations respecting grades, inspection, units of sale and brands or marks of vegetables. Provision is also made for the appointment of inspectors and other officers for the purpose of enforcing the Act; and an inspection certificate signed by an inspector or any person charged with the enforcement of the Act or regulations made thereunder will be *prima facie* evidence of the truth of the statements contained therein.

Grain.—C. 9 makes extensive alterations in the Canada Grain Act; but the latter, with the exception of s. 233 thereof (which declares grain elevators and warehouses to be works for the general advantage of Canada —and, therefore, brings them under the legislative jurisdiction of the Dominion) and the Schedule mentioned in s. 233 (which describes certain of the elevators affected) and the Act now under notice (S.C. 1929, c. 9), were repealed in 1930 by S.C. 1930, c. 5.[1]

Canadian National Railways.—Cc. 10 to 36, inclusive, relate to the Canadian National Railways. C. 10 further defines the term " Canadian National Railways " so as to include railways hereafter from time to time declared by the Governor in Council to be comprised in the system, and provides for the expropriation of land for railway purposes, the entering into agreements with specified companies and the registration of mortgages. C. 11 provides for the refunding of $18,000,000 4½% Guaranteed Gold Bonds, and c. 12 for the construction of terminal facilities and other works at or in the vicinity of the City of Montreal, and for the issue of bonds in respect thereof to an amount not exceeding $50,000,000. Cc. 13 to 17 respectively empower the Railway to acquire the Inverness Railway, the Kent Northern Railway, the Quebec, Montreal and Southern Railway, the Quebec Oriental Railway and the Atlantic, Quebec and Western Railway, and the Saint John and Quebec Railway, and the issue of securities in respect thereof. C. 48 authorizes the C.N.R. Co. and the C.P.R. Co. jointly to acquire the Edmonton Dunvegan and British Columbia Railway Co., the Alberta and Great Waterways Railway Co.,

[1] See p. 36.

the Central Canada Railway Co., the Central Canada Express Co. and the Pembina Valley Railway, and to issue securities in respect thereof. Cc. 18 to 36, inclusive, authorize the construction of lines in various sections of the Dominion, and for the issue of securities in respect thereof.

Excise.—C. 41 provides for a duty of three cents on every pound of malt manufactured in Canada, subject to excise regulations with respect of coomings and absorption of moisture in warehouse as provided by Order in Council of February 7, 1891.

Fisheries.—C. 42 amends the Fisheries Act by defining "fishing vessel" as including any ship or boat, or any other description of vessel used in fishing, and "Canadian" to mean a British subject resident in Canada. The Minister of Marine and Fisheries has an absolute discretion to issue fishery leases and licences. A licence is required to keep a lobster pound, and during the close season no lobsters are to be taken from such a pound and disposed of except under a certificate from a fishery officer. Lobster pounds are to be marked with the name of the licensee and the number of his licence. The Governor in Council may make regulations prescribing the size of containers in which oysters may be sold, the marking of such containers, the grading and inspection of oysters, and re-marking and dealing with containers. Penalties are imposed on those who, without the Minister's licence, depart from a Canadian port with intent to fish, or to cause any other person to fish, with a vessel that uses an "otter" or other trawl, or who knowingly brings into Canada any fish caught beyond territorial waters of Canada with any such vessel; and the vessel so brought in is liable to confiscation. No such vessel is to carry on fishing operations from or to any Canadian port unless the vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of the Dominion or one of the Provinces and having its principal place of business in Canada. No such vessel is to carry on fishing operations from or to any Canadian port unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic coast of Canada; but this does not apply to small draggers operated by inshore fishermen if exempted from this provision by special permit issued by the Minister.

Fish Inspection.—C. 43 amends the Fish Inspection Act to allow of the Governor in Council extending the application of the Act to fish-curing establishments and places where fish are cleaned, salted, smoked, dried or otherwise prepared for market except by canning. Regulations made under the Act need no longer be published in the prefix in the volume of the Statutes of Canada published next after the making thereof.

Juvenile Delinquents.—C. 46 repeals the Juvenile Delinquents Act, R.S.C. 1927, c. 108, and is substituted therefor. It enumerates certain Acts, the commission of which by a "child" (*i.e.* a boy or girl apparently or actually under the age of sixteen years or eighteen in certain cases) will bring it under the provisions of the Act. The statute defines the court's jurisdiction and sets out the mode in which trials are to take place, the treatment to be accorded the child and the correction awarded, and other matters for the proper dealing with juvenile delinquents.

Narcotics.—C. 49 is substituted for the Opium and Narcotic Drug Act, R.S.C. 1927, c. 144, which it repeals. The Act comprises the original provisions and amendments. Amongst other new matter, it provides

that a person who, in the course of treatment, is supplied with drugs or a prescription therefor by the treating physician and who, without disclosing the fact to such physician, is supplied during such treatment with drugs or a prescription therefor by another physician, will be guilty of an offence and liable on summary conviction to a fine not exceeding $50. A person who encloses any drug in or with any letter, packet or other mailable matter sent by post will be subject to a penalty. Opium pipes, opium lamps, etc., found on premises on which any drug (as defined by the Act) is discovered must be brought before the Magistrate, and are liable to forfeiture to H.M. When a person is convicted of an offence against the Act the moneys used for the purchase of the drug will be forfeited to H.M. The Governor in Council may, from time to time, designate duly qualified analysts for the purposes of the Act.

Cables.—C. 50 was passed with a view to enabling the recommendations of the report of July 6, 1928, of the Imperial Wireless and Cable Conference to be carried into effect. C. 50 authorizes the Governor in Council to consent to the sale of the Pacific and the West Indian cable and wireless telegraph undertakings more particularly designated in the Imperial Telegraphs Act, 1929, 19 Geo. V, c. 7, as set out in Schedule A to this Act. If the undertakings are taken over in accordance with the Imperial Act, then, as from the day appointed by Order in Council, the Pacific Cable Act, 1899, S.C. 1899, c. 3, will be repealed. The Report of July 6, 1928, appears in full in Schedule B to the Act now under review.

Postal Service.—C. 52 is an echo of the Winnipeg strike in 1919. It enacts that the former employees of the postal or railway mail service of Canada who were removed from such service by Orders in Council of July 15, 1919, and November 3, 1919, and who were subsequently re-employed and are now in the said postal or railway mail service, shall be paid for services actually performed as from the date of their re-employment at the rates of remuneration paid to other employees for similar services.

Precious Metals Marking.—C. 53 provides that if an article has applied to it any mark, it must have applied to it, if of Canadian manufacture, the trade-mark of the manufacturer thereof, registered in accordance with the Trade Mark and Design Act, or, if such article is manufactured outside of Canada, it must have applied to it (*a*) such trade-mark of the manufacturer, or (*b*) the name of the importer of, or dealer in, such article accompanied by the word "imported."

Railways.—C. 54 amends the Railway Act, and gives the Board jurisdiction over tolls charged in respect to international bridges, and provides for an appropriation for protective work at level crossings. It also provides that where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies are to agree upon a joint tariff for such continuous route, such joint tariff to be subject substantially to the same provisions in the Railway Act as local tariffs.

Reparations.—C. 55 makes provision for the payment of claims for compensation for loss sustained by the civil population during the late War.

Revenue.—C. 57 places an *ad valorem* duty on the sale or transfer of the stock or shares of any association, company or corporation, or bond, other than a bond of the Dominion or any province of Canada.

1930.

The Fourth Session of the Sixteenth Parliament opened on February 20, 1930, and closed by prorogation on May 30, 1930. Fifty Public Bills, twenty-nine Private Bills and two hundred and forty-seven Divorce Bills were passed.

Natural Resources.—C. 3 approved of the agreement between the Dominion and the Province of Alberta for the transfer to the latter of the natural resources of that Province, the intention of the agreement being that Alberta should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905, and that Alberta should have rights equal to those which may be conferred upon or reserved to Saskatchewan under any agreement upon a like subject-matter. C. 41 approves of the agreement (set out in the Schedule) transferring the natural resources of Saskatchewan to that Province. C. 29 approves of the agreement set out in the schedule to the Act, whereby the natural resources of Manitoba are ceded to that Province.

Grain.—C. 5 is the new Canada Grain Act, and was proclaimed and came into force on September 1, 1930. The object of the Act is to regulate the grain trade throughout Canada, and provides for the continuance of the Board of Grain Commissioners, the appointment, tenure of office, salaries, duties and powers of the commissioners. Provision is made for the selection and settling of "standard" and "commercial" grades; the inspection, weighing and grading of grain; the constitution and powers of grain appeal tribunals; the transportation of grain; the regulation of elevators; the licensing of commission merchants, track buyers and grain dealers; and other matters respecting the conduct of the trade.

Coal.—C. 6 is aimed at placing Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal, having in view the Royal Commission on Maritime Claims. It provides that so long as tariff item No. 1019 in Schedule B to the Customs Tariff, respecting bituminous coal imported by proprietors of coke ovens and converted at their ovens into coke for use in the smelting of metals from ores and in the melting of metals, remains in force, the Governor in Council may authorize the payment to manufacturers of iron or steel of 49½ cents per ton of bituminous coal mined in Canada and converted into coke by a proprietor at his coke ovens in Canada, and used by such manufacturers in the smelting in Canada of iron from ore or in the manufacture in Canada of steel ingots or steel castings.

Canadian National Railways.—C. 7 empowers the Governor in Council to provide for the raising of the necessary money to repay the temporary loans made to the C.N.R. Co., as successsor by amalgamation to the Grand Trunk Railway Company in respect to the retirement, pursuant to the guarantee given by the G.T.R. Co. of Canada, of the 5 per cent. Ten-year Refunding Mortgage Gold Bonds of the Central Vermont Railway Company, dated May 1, 1920, to the amount of $8,609,000. C. 8 similarly empowers the Governor in Council to provide for the refunding of the notes of obligations of the Canadian Northern Railway Company and of the Minnesota Railroad Company, to the aggregate value of $20,042,038·84.

C. 46 empowers the Canadian National to issue additional securities respecting the Toronto Terminal Railway Company to an amount not

exceeding $14,150,000, to be used in the purchase of securities issued by the Company not exceeding one-half of the total securities to be issued by the Company for the purpose of its undertaking, and in defraying the cost of portions of the viaduct and works which will not be included in the works to be owned by the Company and will have to be constructed for or by the Canadian National itself, and also in defraying the cost of other railway facilities necessitated by and incidental to the construction of the viaduct and works.

Companies.—C. 9 amends the Companies Act, allowing of the incorporation of companies having only three members, the issue of shares without any nominal or par value and the change of the name of a company under certain conditions. The requirement that before a company commences business or incurs any liability 10 per cent. of its authorized capital must have been subscribed and paid for (s. 28) is repealed; and so is the corresponding section (114), which made a director who authorized the commencement of business, etc., before the 10 per cent. was subscribed for liable jointly and severally with the company for the payment of any liabilities so incurred. Provision is made for the surrender of a company's charter under the circumstances set out in the new section substituted for s. 30. The powers which a company possesses as incidental and ancillary to the powers set out in the letters patent or supplementary letters patent are widened, allowing the company, amongst other things, to issue fully paid shares in payment for property acquired by the company, to distribute amongst its shareholders the assets of the company, to pay out of the funds of the company the expenses of the formation and organization of the company, and to establish agencies. Amendments are also made regarding the issue and filing of the prospectus, and the issue of preference stock; and the granting of any financial assistance by the company for the purpose of the purchase of its shares is forbidden. The provisions respecting the registration of mortgages and charges, the filing of accounts by receivers, the qualifications of directors, the keeping of a register of transfers, the keeping of accounts and meetings of shareholders to consider a compromise or arrangement are amended and new provisions substituted.

Convention (Sockeye Salmon).—C. 10 confirms and sanctions the Convention relating to the protection, preservation and extension of the Sockeye salmon fisheries in the Fraser River System, between His Majesty in respect of Canada and the United States of America, signed at Washington on May 26, 1930, and set out in the Schedule to the Act.

Divorce.—C. 14 is one of great importance to Ontario. It enacts that the law of England as to the dissolution of marriage and as to the annulment of marriage, as that law existed on July 15, 1870, in so far as it can be made to apply in Ontario, and in so far as it has not been repealed, as to the Province, or altered by appropriate statute, shall be in force in Ontario, and confers upon the Supreme Court of Ontario the necessary jurisdiction to dissolve or annul a marriage. The law representing divorce in Ontario, therefore, is the same as that which applies in the prairie provinces. C. 15 provides that a married woman who either before or after the passing of this Act has been deserted by and has been living separate and apart from her husband for a period of two years and upwards, and is still living separate and apart from her husband, may, in any one of the provinces in which there is a court having jurisdiction to grant a divorce, commence in the court of such province proceedings for a

divorce on any grounds that may entitle her to the divorce according to the law of the province; and such court will have jurisdiction to grant the divorce if, immediately prior to such desertion, the husband of the woman was domiciled in the province in which the proceedings are commenced. This is intended to get over the difficulty presented by a guilty husband who changes his domicile (which gives jurisdiction to the court in the case of divorce) from place to place.

Excise.—C. 18 amends the Excise Act, and empowers certain excise officers to conduct inquiries under oath in matters relating to excise and to arrest persons found committing certain indictable offences. Penalties are imposed in respect to violations of the Act, and provision is made respecting the taking of proceedings in regard thereto. New duties are imposed on malt, and provision made regarding the computation of the duty thereon. No licence fee or excise duty is payable in respect of tobacco grown on a person's own land and manufactured into common Canada twist or cut tobacco solely for the use of himself and such members of his family as reside with him, provided the quantity so manufactured in any one year does not exceed thirty pounds for each adult male member of the family resident on the premises. Alcohol is not to be manufactured, denatured or recovered in Canada, except in licensed distilleries; and this refers to H.M. whether in the right of the Government of Canada or of any province.

Export.—C. 19 amends the Export Act, and forbids (*a*) the release or removal of any intoxicating liquor from any bonding warehouse, distillery, etc., in any case in which the liquor purposed to be removed is destined for delivery in any country into which the importation of such liquor is prohibited by law; (*b*) the granting of a clearance to any vessel having on board any intoxicating liquor destined for delivery to any such country; (*c*) the making of any entry for such exportation.

Eight-hour Day and Fair Wages.—C. 20 provides that every contract made with the Government of Canada for construction, remodelling, repair or demolition work shall be subject to the fair-wage and eight-hour-day clauses; but this does not apply to persons employed in the fabrication of materials, supplies or equipment for use in the work contemplated where such fabrication is carried on in any plant or factory other than a plant or factory established for the purposes of the work contemplated. The Governor in Council, on the recommendation of the Minister of Labour, may make regulations with regard to wages and hours.

Fisheries.—C. 21 provides for the establishment of a Department of Fisheries, with the powers set out in the Act, and substantially consisting of the administration of Dominion statutes affecting the fishing industry.

Extension of Territory.—C. 28 extends Manitoba, so that it includes certain land lying in the North-west Angle Inlet of Lake of the Woods, which became the property of Canada by virtue of Article 1 of the treaty between H.B.M. in respect of the Dominion of Canada and the United States of America, signed at Washington, February 24, 1925. C. 37 approves of the agreement (set out in the Schedule) transferring the Peace River Block and the Railway Belt to the Province of British Columbia.

Maple Sugar Industry.—By c. 30 the manufacture and sale of maple sugar and syrup are regulated. The Minister of Agriculture is charged with the enforcement of the Act. Manufacturing and packing plants are to be registered with the Minister, and manufacturing or packing plants which ship maple products from one province to another must be licensed.

Records are to be kept by manufacturing and packing plants in the prescribed form, showing the quantity of maple syrup and maple sugar of all maple products, either purchased or sold, together with the name and place of residence of the vendor or purchaser in each case. Containers of maple products shipped or removed from a plant or an orchard must bear the licence number of the plant or orchard.

Marine.—C. 31 provides for the establishment, constitution and administration of a Department of Marine, to be presided over by the Minister of Marine.

Revenue.—C. 43 makes further alterations in the War Revenue Act, in respect to the *ad valorem* duty payable on the sale, transfer or assignment of stocks, bonds and debentures. Trustees in bankruptcy, assignees, administrators, executors and other like persons, before distributing any assets under their control, are required to obtain a certificate from the Minister certifying that no unpaid (specified) taxes or penalties remain outstanding.

The First Session of the Seventeenth Parliament began on September 8, 1930, and closed by prorogation on September 22, 1930. Three Public Bills were passed.

Unemployment.—In view of the fact that unemployment has become so general throughout Canada as to constitute a matter of national concern, and it is desirable that assistance should be rendered by the Government of Canada towards the relief of such unemployment, c. 1 provides for the appropriation of a sum not exceeding $20,000,000 for the relief of unemployment. The appropriation may be expended in constructing, extending or improving public works, distribution of the products of the field, farm, forest, sea, lake, river and mine, granting aid to and reimbursing expenditures made by provinces and municipalities in any public work they may undertake for relieving unemployment, and generally in any way that will assist in providing useful and suitable work for the unemployed.

Customs.—C. 2 provides as to the mode of computing the fair market prices for the purpose of duties payable under the principal Act, and also enacts an anti-dumping clause. C. 3 makes extensive alterations in the Act and the tariffs, but the statute is repealed in substance by c. 30, S.C. 1931.

2. ALBERTA.

[*Contributed by* JOHN D. HUNT, ESQ., *Clerk of the Executive Council.*]

Acts passed—72; Public General—62; Private—10.

Mechanics' Lien.—The law on the subject of mechanics' lien is amended and re-enacted in No. 7. The new Act provides that—

Every agreement, verbal or written, express or implied, on the part of any labourer that this Act shall not apply, or that the remedies provided by it shall not be available for the benefit of such person, shall be null and void; provided that this shall not apply to a manager, officer or foreman or to any other person whose wages are more than twelve dollars per day.

Every person other than anyone included in the above proviso who performs any work or service upon or in respect of, or places or furnishes

any material to be used in the making, constructing, erecting, fitting, altering, improving, demolishing or repairing of any improvement for any owner, contractor or sub-contractor, shall, by virtue thereof, have a lien for so much of the price of such work, service or materials as remains due to him upon the estate or interest of the owner in such improvement and the land occupied thereby or enjoyed therewith, or upon or in respect of which the work or service is performed, or upon which the materials are to be used as such estate or interest exists at the time the lien arises, or at any time during its subsistence.

The lien shall arise at the date of the commencement of the work.

The right of a lien-holder may be assigned by an instrument in writing, and if not assigned, upon his death shall pass to his personal representative.

Where the estate or interest upon which the lien attaches is leasehold, the fee simple shall also be subject to the lien ; provided the person doing or intending to do the work gives to the owner of the fee simple, or his agent, notice in writing of the work to be done, and the owner or his agent within five days after the receipt of such notice does not give notice to such person that he will not be responsible therefor.

For the purpose of ascertaining the respective priorities of charge upon the estate or interest of the owner the lien of all mortgages shall rank according to the dates of their respective registrations in the proper land titles office ; provided, however, that no mortgage shall have any priority over a lien in respect of advances or payments made after the date of the registration of the lien, or after the mortgagee has notice of the existence of the lien.

Any mortgage existing in fact before the lien arises shall have and shall only have priority over the lien in respect of the value at the date of the proceedings to enforce the lien of the mortgaged premises as they existed immediately prior to the lien arising.

In the case of an agreement for the purchase of land, where the purchase money or part thereof is unpaid and the purchaser has not been registered as owner thereof, he shall for the purpose of this Act be deemed a mortgagor and the seller a mortgagee, whose mortgage was registered on the date of execution of the agreement of sale.

In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise, shall, as the work is done under the contract, retain for the period within which a lien must be registered 20 per cent. of the value of the work actually done, irrespective of whether the contract or sub-contract provides for partial payment on completion of the work, and such value shall be calculated on the basis of the contract price, or if there is no specific contract price, then on the basis of the actual work done.

Where the contract price or actual value exceeds $15,000 the amount to be retained shall be 15 per cent. instead of 20 per cent.

Payment of the percentage required to be retained may be validly made, so as to discharge all liens or charges in respect thereof, after the expiration of the period within which a lien must be registered unless in the meantime a claim for a lien has been registered or proceedings have been commenced to enforce any lien or charge against such percentage, in which case the owner may pay the percentage into court and such payment shall constitute valid payment in discharge of the owner to the amount thereof.

Every labourer whose lien is for wages shall to the extent of six weeks' wages have priority over all other liens.

Provision is made for registration of liens in the forms prescribed.

A lien in favour of a contractor or sub-contractor in cases not otherwise provided for may be registered before or during the performance of the contract or sub-contract, or within 35 days (or in the case of oil or gas wells or oil or gas pipe liens, within 120 days) after the completion or abandonment of the contract or sub-contract, as the case may be.

A lien for material may be registered before or during the furnishing thereof or within 35 days (or in the case of oil or gas wells or oil or gas pipe liens, within 120 days) after the furnishing of the last material furnished.

A lien for services may be registered at any time during the performance of the service or within 35 days after the completion of the service.

A lien for wages may be registered at any time during the performance of the work for which such wages are claimed or within 35 days, or in case of a lien for wages owing for work about a mine, within 60 days after the last work is done for which the amount is claimed.

Every registered lien shall absolutely cease to exist on the expiration of 30 days after notice has been either served as process is usually served or sent by registered mail in the form prescribed or to the like effect, to the lien-holder at or to the address stated in the affidavit filed in the Land Titles Office, unless before the expiration of the said period of 30 days the lien-holder takes proceedings in court to enforce his lien.

The taking of any security for, or the acceptance of any promissory note or bill of exchange for or the taking of any acknowledgment of the claim or the giving of time for the payment thereof, or the taking of any proceedings for recovery of a personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice or destroy the lien, unless the claimant agrees in writing that it shall have that effect.

Where any such promissory note or bill of exchange has been negotiated, the lien-holder shall not thereby lose his lien if at the time of beginning proceedings to enforce it, or where proceedings are brought by another lien-holder, he is at the time of proving his claim therein the holder of such promissory note or bill of exchange.

Where the period of credit in respect of a claim has not expired, or where there has been an extension of time for payment of the claim, the lien-holder may nevertheless, if proceedings are commenced by any other person to enforce a lien against the same property, prove and obtain payment of his claim therein as if the period of credit or extended time had expired.

The object of the Act being to enforce liens at the least expense, the procedure set out for such enforcement is of a summary character.

Where several liens are being enforced, they may be consolidated by the judge into one cause and the conduct of such cause given to any plaintiff as the judge may see fit.

Upon the hearing of the case the judge shall decide all questions which are necessary in order completely to dispose of the action, and shall embody all results in the judgment, which judgment may direct payment forthwith by the person or persons primarily liable and execution may be issued therefor forthwith.

All moneys realized by proceedings under this Act shall be applied and distributed in paying—(*a*) the costs of all lien-holders of and incidental

to the proceedings and of registering and proving the lien ; (*b*) six weeks' wages (if so much be owing) of all labourers employed by the owner, contractor or sub-contractor ; (*c*) the several amounts owing to other lienholders other than the contractor ; (*d*) the amount owing the contractor.

Any balance of the said moneys remaining after all the above amounts have been paid shall be payable to the owner or other person legally entitled thereto.

There shall be an appeal to the Appellate Division of the Supreme Court from the decision of the court, or a judge hereunder in all matters where the amount of the lien or liens joined in one action is $200 or over, but where the amount of the lien or the total amount of the liens so joined is less than $200, the decision of the court or judge of first instance shall be final.

The judges of the Trial Division of the Supreme Court or any two of them may make general rules and regulations for expediting and facilitating the business before any court under this Act, and may prescribe the tariff of costs as between parties or as between solicitor and client, payable for services rendered in respect of a mechanic's lien and until such tariff is provided the amount of such costs shall be in the discretion of the judge.

Prevention of Fraud.—No. 8 amends the law directed to prevent fraud in connexion with the sale of securities which was passed in the previous year, and endeavours to strengthen it with regard to Stock Exchange transactions.

Purchase of Bulls.—The Minister of Agriculture is authorized by No. 17 from time to time to purchase pure-bred bulls for resale to *bona fide* farmers who are actually resident and farming in the Province and to associations of such farmers.

The sale price upon any such resale shall be fixed by the Minister, having regard to the cost of the delivery of the bull to the purchaser at his nearest railway station.

The Minister may sell any such bull either for cash or partly for cash and partly on credit.

In case a bull is sold partly for cash and partly for credit—(*a*) the purchaser shall make a cash payment of not less than 25 per cent. of the purchase price ; (*b*) the purchaser shall enter into an agreement of conditional sale in such form and to such effect as the Minister may require.

A copy or duplicate of every such agreement shall, upon certification by the Minister that it is a true copy, be deemed to be an instrument duly executed for the purpose of the Conditional Sales Act and shall be registered in the manner prescribed in that Act, and when registered shall continue in force without any further compliance with any of the other provisions of that Act.

The Minister may in the event of the non-payment upon the due date of any sum payable under any agreement, or if he for any reason deems that the security is unsatisfactory, declare that all sums payable at any time in the agreement be payable forthwith and unless all such sums are paid on demand, he may, in addition to any other remedies he may have, proceed to seize all the animals upon which he has any lien or charge and sell the same in any way or at any price he deems proper ; and to recover from any person liable the difference between the amount so realized and the total amount payable, including the costs of the seizure, and sale or suit.

Any sum payable in respect of any such agreement shall be recoverable as a debt due to the Crown.

Coal Mines.—No. 24 is a new Act taking the place of the Mines Act, and sets out in considerable detail regulations relating to the working of coal mines. Provision is made for the appointment of a Board of Examiners to issue mine surveyors' certificates. Neither boys nor girls under the age of 16 may be employed in the mine, and only a male above the age of 21 may have charge of any machinery. The bulk of the Act contains provisions which in England are left to be dealt with by statutory rules and orders.

Government Wheat Guarantee.—The preamble of No. 27 sets forth:

"Whereas Canadian Co-operative Wheat Producers Limited (hereinafter called the "Corporation") is indebted to the Bank of Montreal, the Canadian Bank of Commerce, the Royal Bank of Canada, the Bank of Nova Scotia, the Bank of Toronto, the Dominion Bank and the Imperial Bank of Canada in various sums for moneys advanced by them on the security of grain delivered to the Corporation by Saskatchewan Co-operative Wheat Producers, Alberta Wheat Pool and the Manitoba Wheat Pool; and

"Whereas additional advances may be made to the Corporation by the said banks or some of them before the First day of August, 1930, on the like security or as they may deem advisable, and

"Whereas, as a condition of obtaining such advances, the Canadian Co-operative Wheat Producers Limited has agreed to maintain at all times in the hands of the banks, respectively, security on grain which at market prices will provide a margin of 15 per cent. in excess of the indebtedness of the said Canadian Co-operative Wheat Producers Limited, and

"Whereas the banks are willing to forego the requirements of such margin on condition that they are guaranteed against ultimate loss by the Governments of Alberta, Manitoba and Saskatchewan."

The Act provides that "the Lieutenant-Governor in Council may authorize the Provincial Treasurer on behalf of the Government of Alberta to give guarantees to the said banks."

Research Council.—The Scientific and Industrial Research Council of Alberta is reconstituted by No. 37 and established as a corporation to be known as "The Research Council of Alberta."

The Council consists of not more than ten members, designated from time to time by the Lieutenant-Governor in Council and includes two members of the Executive Council, the President of the University of Alberta and members at large.

The Chairman of the Council is a member of the Executive Council.

The President of the University of Alberta acts as Director of Research for the Council.

The Council has charge of all matters affecting scientific and industrial research in Alberta, which may be assigned to it by the Lieutenant-Governor in Council, and also has the duties of advising the Executive Council on questions of scientific and technological methods affecting the expansion of the industries, or the utilization of the natural resources of Alberta.

Floral Emblem.—The Wild Rose is adopted as the floral emblem of Alberta by No. 38.

Provincial Parks.—The Lieutenant-Governor in Council is given power

by No. 60 to purchase any area within the Province for the purpose of a provincial park and to constitute any area within the Province a protected area for the purpose of preserving therein objects of natural beauty, etc.

The Lieutenant-Governor in Council may constitute a board of management to be known as the Provincial Parks Board for the control and management of provincial parks and protected areas, and may also constitute a board of management for the control and management of any particular provincial park or protected area.

Every board shall control, manage and maintain the parks or protected areas of which it has control and for such purposes may construct roads, bridges, buildings, take such steps as will ensure the security of the animal and vegetable life in such park or protected area in a natural state; reserve or set aside any area of such park or protected area as breeding places for animals or as nurseries for trees, shrubs, plants, flowers; let sites in the park, for the erection of hotels or other buildings for the accommodation of visitors, and set aside parts of the park for recreation grounds; prescribe fees for services within the park; erect a museum in the park; exclude the public from any area or areas within the park; dispose of any animal, vegetable or mineral or any other product of the park; regulate traffic in the park; make regulations not inconsistent with this Act and prescribe penalties for breach of same.

3. BRITISH COLUMBIA.

Acts passed—81; Public—77; Private—4.

The following are the more important Acts of general interest:

Distress.—Exemptions from distress in British Columbia have been confined to the very limited exemptions existing at common law. By an amendment (c. 14) to the Distress Act further statutory exemptions are now provided similar to those existing in most of the other Provinces. Provisions have also been made exempting the goods of strangers found on the premises of the tenant. A further provision protects the landlord from damages for excessive distress where he abandons the excess within three days after the taking of the distress. This enables an ample distress to be made in the first instance, and gives time to make inquiries and to abandon goods exempt or subject to conditional sale liens and still have sufficient distress to meet the rent due.

Evidence.—By an amendment (c. 18) to the Evidence Act provision is made for the production of a printed copy of a newspaper as *prima facie* evidence that any notice or advertisement therein contained was inserted and published by the person on whose behalf or in whose name it purports or appears to be so inserted and published.

Highways.—By a general revision and re-enactment (c. 24) of the Highway Act a number of changes are made respecting the public highways under the control of the Government. Extended provisions are made for the protection of highways by regulating the weight and speed of heavy vehicles and by vesting in the Minister of Public Works power to control extraordinary traffic generally. Provision is also made for a system of arterial and other classified highways throughout the Province, by which the Government assumes the whole or a large portion of the cost of construction and maintenance even where these highways pass through municipal areas. A substantial part of the new Act is devoted to the

licensing and regulation of public passenger and freight vehicles operating for hire over the public highways. Provisions are made for giving an exclusive franchise for the operation of these vehicles over certain highways, and for regulating their equipment, rates and service in the interest of the public.

Licences.—Somewhat similar Acts were passed for the licensing and regulation of Collection Agents (c. 31), Private Detectives (c. 32), and Real-estate Agents (c. 33). Licensees are required to deposit security with the Government for the honest and lawful conduct of their businesses, and are subject to suspension or cancellation of their licences for violation of statutory provisions or for improper conduct in their business activities.

Marriage.—The former Marriage Act permitted marriage to be solemnized in British Columbia by any minister or clergyman of any church or religious sect or denomination in the Province, and with the continual increase in the number of religious bodies doubts arose as to the status under the Act of the ministers or teachers presiding over some of the smaller and newer so-called churches. A new Act (c. 41) has now been substituted which prohibits solemnization of marriage unless by a Marriage Commissioner or by a minister or clergyman of a recognized religious body who is duly registered under the Act as authorized to solemnize marriages. Provisions are also made tending to discourage hasty marriages. A residence period of eight days preceding the application for marriage licence or the publication of banns is required in respect of at least one of the parties to the intended marriage, and a further waiting period of eight days is required between the making of the application or the first publication of banns and the solemnization of the marriage.

Prescription.—The acquisition of rights to light by prescription was abolished in British Columbia in 1906, but the question of air was apparently overlooked. By an amendment (c. 56) of the Prescription Act it is now provided that no person shall acquire a right by prescription to the access and use of air to or for any building or to the access to air for purposes of ventilation of any building.

Security Frauds Prevention.—In uniformity with nearly all of the Canadian Provinces, British Columbia has enacted legislation (c. 64) for the prevention of fraud in connexion with the sale of shares and other securities. This is intended to take the place of so-called " Blue Sky Laws," and to prevent so far as possible the losses resulting to investors and speculators through the dishonest and irregular practices of brokers and high-pressure salesmen.

Security brokers and salesmen are required to become registered, and to deposit security with the Government which is subject to forfeiture if the broker or salesman becomes involved in the commission of any criminal offence or fraudulent act. Ample provisions are made for the investigation by the Attorney-General at any time of the books and business of a broker, and for the suspension or cancellation of registrations. Applications for registration may be refused and registrations may be cancelled for any reason which the Attorney-General thinks sufficient, and his decision is not subject to review by the courts.

Provisions are made for regulating trading in securities, for the keeping of records by stock exchanges and for the periodical audit by stock-exchange auditors of the books of brokers who are members of the exchange.

4. MANITOBA.

[*Contributed by* R. M. FISHER, ESQ., K.C., *Legislative Counsel.*]

Security Frauds Prevention.—C. 36 enacts the recommendations of the conference of the Attorneys-General *re* brokers, held in Toronto in February. The chief recommendations of the conference were: (1) that all brokers who on examination were found "short" in the stock they held thereby committed an offence against the Act; in other words, brokers, having received instructions to purchase stocks and having done so, must at any time carry to the account of the customers a requisite number of stocks to meet their obligations to them; (2) that brokers must report to customers purchases or sales made on their account and show the quantity and description of the stock, the person or company from whom purchased, the day and the name of the stock exchange as well; (3) that stock exchanges are required to keep records showing the time of each transaction, and these records are to be available to customers for two years; (4) that brokers are to file annually a certificate of solvency; (5) that no stock exchange not now in operation in Manitoba is to be permitted to operate unless organized under special Act of the Legislature; (6) that prospectuses must be filed with the Administration Board by every company selling stock in the Province; (7) provision is made for arresting under warrants pursuant to similar statutes in other Provinces.

Seed Grain and Fodder.—C. 37 provides for the borrowing by municipalities, by promissory note or the issue and sale of debentures, amounts not exceeding $25,000 for any one municipality, for the purpose of furnishing seed grain and fodder to farmers. The Act follows the usual annual Seed Grain Act except that the provisions for the guaranteeing by the Government of the amounts borrowed is eliminated.

Assessment.—C. 57 provides (*a*) that appeals from the Courts of Revision in the several municipalities suburban to Winnipeg should be made to the Manitoba Tax Commission rather than to the county court judge. The usual procedure was adopted and the only notable change in the ordinary appellate practice in such cases is a provision whereby all questions of valuation are made questions of fact for the Tax Commission. At any stage of the hearing the Tax Commission may itself state a case, or after the hearing any interested party may require of it to state a case on a point of law not involving a question of valuation to a judge of the Court of King's Bench who is to determine the matter in fifteen days; (*b*) that a municipal council may, in cases where the assessed value of land is $500 or under, dispense with the requirements governing statute labour and require that there should be performed on every such parcel two days' statute labour, and in default of the work being performed the same may be charged as taxes.

Public Schools.—C. 34 is a consolidating Act and the various sections regrouped under appropriate headings. A great deal of duplication in the old Act was eliminated and certain sections that had outlived their usefulness were deleted.

Teachers' Retirement Fund.—C. 44 provides that teachers from and after July 1, 1930, shall contribute 2 per cent. of their salary to the fund, and every teacher who is entitled to receive on or after July 1, 1930, an amount as pension from the fund shall also be entitled to receive an equal amount out of provincial funds appropriated by the Legislature for that purpose.

Highways.—The law respecting travel on highways and the speed, operation and load of vehicles thereon was codified in an Act of 128 sections called the Highway Traffic Act (c. 19). Two main principles may be discerned in the legislation, first, that the driving of a motor vehicle on the highway is a privilege and not a right; and second, that the dangerous driver will not be permitted to drive on the highway. A committee of the Canadian Bar Association, under the chairmanship of Mr. E. K. Williams, K.C., had prepared during the preceding year a draft of a uniform Act for all the Provinces. This draft was taken as the foundation for the new Act and was amended to deal more adequately with what were considered to be peculiarly local conditions and was amplified by the addition of parts dealing with financial responsibility of owners and drivers. Public service vehicles and dealers' permits, the sections dealing with prohibitions and penalties were carefully revised and added to in the light of further study of the problems involved. It is thought that the Act presents a fairly complete code and is probably the most up-to-date legislation on the subject in Canada.

Automobile Insurance Policy.—C. 23 provides that a policy is not to be void for a violation of statutory conditions unless the violation is material to the risk. And nothing contained in the said Act or the statutory conditions shall be construed as restricting the power of any court having jurisdiction to relieve against forfeitures of insurance except in claims arising through fire or theft.

Marriage.—C. 26 provides for the solemnization of marriages in unorganized areas in the Province by the issuer of licences. Consents by parents or guardians to marriages of minors must be verified by affidavit or statutory declaration. In cases where there are no parents or guardians, the issuer may grant a licence, but the applicant must file an affidavit and a birth certificate. The same applies when the person who should give his consent resides out of the Province.

Old Age Pensions.—By c. 31 pensions are made exempt from provincial and municipal taxes, garnishment, attachment or seizure, and are not assignable. Receipt of a pension is not to disqualify a person from voting. The Board may recover from a pensioner any pension improperly paid and may register a lien against the lands of a pensioner. The Board may also attach money owing to a pensioner.

Workmen's Compensation.—C. 49 amends the principal Act in accordance with the recommendations of the Committee appointed at the 1929 session of the Legislature representing employers, employees and members of the Legislature. The more important amendments to the Act may be summarized as follows: (1) payment of compensation to commence after three consecutive days; (2) widows' pensions to be increased to $40 per month. Monthly payments to dependents to be limited to two-thirds of the average monthly earnings of the deceased workman, with the following minimums: (*a*) widow or invalid husband and one child $12.50 per week; (*b*) widow or invalid husband and two or more children $15 per week; (3) addition to the list of industrial diseases of conjunctivitis and retinitis due to electro and oxy-acetylene welding and occupational dermatitis and ulcerations and infections of the skin pertaining specifically to the work carried on in a number of employments; (4) restoration of the right to compensation of dependents resident in countries which were enemy countries during the recent Great War. This section is retroactive to May 17, 1929.

Cancer Relief.—C. 1 was passed creating a corporation to be known as the Cancer Relief and Research Institute with the objects of relieving or curing cancer in the Province ; supplying radium and creating a radium emanation plant in the Physics Department of the University ; establishing cancer clinics ; giving public instruction on the treatment of cancer ; distributing information and issuing reports ; and correlating similar agencies in Manitoba. It is to be managed by a Board consisting of the Minister of Health and Public Welfare, together with certain persons who are to be appointed by the University, the General Hospital, the Manitoba Medical Association, the Winnipeg Medical Society, the Manitoba Hospital Association and the Lieutenant-Governor in Council.

The Government may guarantee a bond issue up to $100,000, but it is to be secured by a first charge on the property of the Institute.

Mortgage.—C. 29 provides that in case default is made in making any payment of original principal and proceedings have been commenced, the mortgagor may at any time prior to sale or foreclosure pay the full amount owing as at the date of payment, whereupon the mortgagee shall, after receiving the costs and conveyancing fee, discharge or assign the mortgage.

Trustees.—C. 45 provides that trustees may invest trust funds in guaranteed investments or terminable first debentures of a trust or loan company incorporated under the laws of the Dominion or any of the Provinces and carrying on business in Manitoba and having a capitalized fixed and permanent stock amounting to $400,000 fully paid up, a reserve of 25 per cent. of its paid-up capital and the stock of which has a market value of not less than par.

Natural Resources.—The taking over by the Province of the administration of its natural resources made necessary the enactment of new legislation with respect to lands, mines, forests, water and fish. It was also necessary to approve of the agreement between the Dominion and the Province in connexion with the transfer of the resources, and it was considered advisable to amend certain existing Acts to facilitate administration, namely: the Surveys Act, the Mines and Natural Resources Act, the Fires Prevention Act and the Expropriation Act.

The Manitoba Natural Resources Act (c. 30) was passed approving the agreement made between the Dominion and the Province respecting the transfer of natural resources from the Dominion to Manitoba. The Act is to come into force on July 15, 1930, if the transfer has by that time been confirmed by the Imperial Parliament ; if not, then it is to come into force on proclamation.

The Provincial Lands Act (c. 32) reserves in the Crown out of every disposition of provincial lands extending to the sea or adjoining the international or provincial boundary a strip of land one and one-half chains in width. The Lieutenant-Governor in Council may permit the occupation of such land for railways, harbours or other public undertakings. In grants of land covered by a river, lake or other body of water the bed thereof is reserved to the Crown contrary to the rules of the English Common Law, while the public is given the right of access to lakes and rivers, etc. The following matters are reserved in the Crown : the right to construct roads, all mines and minerals, timber, water power, the use of water in rivers, lakes and springs, and all reservations provided for in the Mines Act, the Forests Act, the Water Power Act and the

Water Rights Act. Such reservations need not be set out in the grant or transfer.

The Minister is to provide books for registering (at the option of the parties interested) assignments of interests acquired in provincial lands. Every such assignment so registered is to be valid against any assignment previously executed but subsequently registered or unregistered. It is provided, however, that in no case shall the registration of any assignment relating to undescribed provincial lands make it incumbent on the Minister to transfer any land or right under that assignment.

Where lands have been disposed of through fraud, error, etc., the Court of King's Bench may adjudge the transfer void. The Minister may levy a distress as for rent or royalty or may declare the lands forfeited, and may cancel a transfer for fraud. Upon such cancellation all encumbrances are *ipso facto* vacated. The Minister may bring an action of ejectment for wrongful possession.

The Surveys Act (c. 43) is amended by adding a new part dealing with surveys of provincial lands. A Director of Surveys is to be appointed to administer, under the direction of the Minister, the provisions of this part. The measures of length are to be those defined by the Dominion Weights and Measures Act. Surveyors may examine witnesses on oath and are to have the right of passage over any lands while in the course of duty. Provisions similar to the Dominion legislation are made regulating the surveys of provincial lands, and penalties are provided for obstructing surveyors in their work.

The Mines Act (c. 27) was enacted regulating mining in the Province and establishing a Mines Branch under the control of the Minister of Mines and Natural Resources. The Minister is empowered to withdraw any lands or mining rights the property of the Crown from prospecting, staking out or lease.

The Lieutenant-Governor in Council, besides having general powers of regulation, is to have the power to make regulations governing the leasing of mineral lands and mining rights, staking, recording and transferring titles, disposal of surface rights, prescribing rights of tenant of Crown lands, creation of mining divisions, appointment of officers, licensing prospectors, appointment of arbitrators and mining board, construction and maintenance of roads, power lines, ditches, etc., disposal of tailings, reservations of timber, fixing royalties, fees and dues, protection of workmen, inspection of mines, regulating age and sex of workers, working hours and prescribing penalties. All orders or regulations so made are to have force and effect only after publication in the *Manitoba Gazette*.

Permits are issued subject to the provision that all ores and minerals are to be refined in Canada.

Regulations as to the formation of "mining partnerships" are set out, and it is provided that they may be recorded and a miner's licence obtained. Such partnerships may act through agents. Shares in mining partnerships are deemed to be personal estate.

The provisions as to forfeiture for non-performance of work or payment of fees are not to apply in case of death or insanity of an owner, although these exemptions do not apply to a co-owner. If there is no other legal representative of the estate the Minister may cause an official administrator to take possession of the property and administer the same.

When the surface of a mineral claim is covered by a timber licence or

a boring permit for gas, coal, etc., or a grazing permit, a lessee under the Act is allowed entry on such land only subject to rights of other parties. If the holder of the surface rights and the lessee cannot agree, resort may be had to arbitration. Each is to appoint an arbitrator. In case these two arbitrators cannot agree a third may be appointed. They are to decide as to the particular portion of the surface rights which the lessee may reasonably require for the efficient and economical operation of his rights, and the award of any two arbitrators shall be final.

A Mining Board consisting of the mining recorder and the resident engineer of a mining division is formed to settle all difficulties between licensees. The Board may summon witnesses and award costs, but a party to any proceedings before it may apply to the Court of King's Bench for an order transferring the matter to that tribunal. An order of the Board may be filed in the office of the Prothonotary or the Deputy Clerk of the Crown and Pleas, and upon such filing shall become an order or judgment of the Court.

Appeals from decisions of the Mining Board may be taken to the Judge of the Court of King's Bench.

The Minister is empowered, in order to prevent injury to investors, to give warnings to the public by letter, advertisement or otherwise as he considers necessary. When a corporation acquires an interest in any mining property it is required to file with the Director of Mines full particulars thereof, together with a prospectus and copies of advertising publications.

Owners or agents of ordinary mines are required to file annual returns, while owners or agents of metalliferous mines are required to make monthly returns.

Inspectors appointed under the Act may enter, inspect and examine any mine to which the Act applies, order cessation of work in any mines which they consider unsafe, require precautions to be taken and look after the health and safety of miners and other employees.

Offences are described and penalties therefor enumerated. Proceedings are to be commenced by an inspector, recorder, the Mining Board or by leave of the Attorney-General. Prosecutions are to be commenced within six months from the commission of an offence, while the procedure is to be that provided in the Summary Convictions Act.

Previously acquired rights or the right to construct public roads or rights of way for transmission lines or pending litigation are not affected by this Act. The Mines Act of 1913 is repealed.

The Forest Act (c. 14) was passed regulating Crown timber and forest reserves. A Forestry Branch of the Department of Mines and National Resources is created under the supervision of the Minister. It is to administer all matters relating to forestry and Crown timber, including the revenue to be derived therefrom; conservation of forests, reforestation, prevention of forest fires, sales of Crown timber and the cutting and inspection of trees and products of the forest. Forest districts may be constituted and a Provincial Forester appointed. No members of the Forest Service are to hold property from the Crown.

Timber and pulpwood berths are to be disposed of by auction and licences issued, which are to be valid for a year, although they may be renewed for fifteen years. Applicants for "pulpwood licences" must have mills in operation in the Province or furnish bonds of $50,000 for the erection of same. Pulpwood licensees are bound to manufacture in

Manitoba merchantable paper out of the pulpwood cut. Pulpwood cut by permittees under s. 18 must be manufactured within Canada into merchantable pulp or paper; special permits may be issued to settlers, explorers, prospectors, steamboat owners and miners and for the construction of public works.

Penalties are provided for cutting hay or timber without authority.

Forest Reserves as established under the Dominion Act are continued, and no lands within such areas are to be disposed of but are to be under the management of the Provincial Forester, subject to the direction of the Minister.

The Fires Prevention Act (c. 13) is amended to provide for the transfer of the duties of prevention and suppression of forest fires from the Minister of Public Works to the Provincial Forester appointed under the Forest Act. Forest officers appointed under the Act are to have the power of fire guardians as defined in the Act.

The Water Power Act (c. 46) was enacted regulating water powers on provincial lands and any other water powers which are the property of Manitoba and which have been or may be placed under the control and management of the Minister of Mines and Natural Resources. A Water Powers Branch is established under the supervision of the Minister. The property in and the right to the use of all provincial water powers, together with provincial lands required for the protection of water powers, are vested in the Crown unless previously alienated by the Dominion.

The Province may arrange with other Provinces for the formation of a Board to control inter-provincial boundary waters and appoint a representative to such Board.

The Water Rights Act (c. 47) was enacted providing that in any grant of land from the Crown, property in any water on such land is not to pass, neither is the bed or shore of any lake or river, nor the right to divert water to be vested in the owner. Existing rights are of course preserved.

A licence to impound, divert or use water must be obtained and permission may be granted to use water for domestic, municipal and industrial purposes.

The Manitoba Expropriation Act (c. 10) is amended by adding a new part regulating expropriation of land and the payment of compensation therefor in connexion with works and undertakings under the Water Rights Act or the Water Power Act.

Game and Fish.—The Game Protection Act and the Insectivorous Birds Act are repealed and the Game and Fisheries Act (c. 15) enacted, which is to come into force on proclamation. The game part contains most of the provisions of the old Act rearranged into categories under the headings of game birds, big game, fur-bearing animals and fur farming, besides the section dealing with regulations and administration, under which extensive powers are given to the Lieutenant-Governor in Council.

Penalties have been increased. Guides are to be licensed. The bag limit for ducks has been reduced to 15 birds a day before, and 30 a day after October 1, while the total for the season is placed at 150.

For the first time in Manitoba fur farming is regulated by statute and provision is made for the licensing of fur farms according to the area occupied. Certain privileges are given to fur farmers who, subject to the control of the Minister, are given the right to hunt muskrats on muskrat farms or ranches.

Under the fisheries part, the fisheries of Manitoba come under provincial control for the first time. This part of the Act was modelled after the present Dominion statute, although many important features have been left to regulation so that conditions as they arise can be dealt with to the best advantage of the fisherman and the Province without delay.

Income-tax.—C. 22 provides that the income of a personal corporation shall be deemed to be distributed as a dividend to the shareholders thereof and in their hands constitute taxable income whether actually distributed by way of dividend or not. " Personal corporation " is defined as in the Dominion Income-tax Act. A " householder " as defined in the Act is entitled to the same deduction of $2,000 as a married person. Personal returns shall hereafter be accompanied by 25 per cent. of the tax payable and the balance payable in three bi-monthly instalments with interest at 6 per cent. annum. Every corporation and joint stock company, other than a personal corporation, shall pay a tax of 2 per cent. upon the amount of its income in the Province exceeding $1,000. The income of certain companies and organizations is exempt from the operation of this section, and profits earned by a corporation in that part of its business carried on at a branch or agency outside of Manitoba and the income of corporations paying taxes under the Corporations Taxation Act or the Railway Taxation Act are not liable to taxation, and profits of corporations and joint stock companies accumulated prior to and undistributed at December 31, 1929, are not liable to taxation. There are also certain amendments made to the Act bringing the provincial Act more in line with the provisions of the Dominion Act. Certain sections have also been added with a view to checking evasion of taxation. Provisions are also made to enable the Tax Commission to collect more effectively from tax-payers.

Succession Duty.—C. 38 is a consolidating and amending Act. There has been a reduction made in the rate of duty, the maximum rates being now 15 per cent., 17 per cent. and 25 per cent. Methods of evasion possible under the old Act have been stopped and life insurance payable to named beneficiaries is made subject to duty with the proviso that there is an additional exemption over the general exemption of $25,000 of $5,000 of insurance if payable to or for the benefit of a widow, and if the deceased leaves a widow and two or more children under the age of 18 years an exemption of $10,000 of insurance payable to or for the benefit of the widow or children is allowed. Insurance companies may put out a sum of $2,500 immediately upon death on condition that they report payment to the department within seven days. Fees payable to the surrogate court may now be deducted as a debt of the estate. Property devised or bequeathed to charitable, religious or educational institutions to be used in the Province of Manitoba is not subject to duty. Bequests and gifts not exceeding $300 to any one person are not subject to duty. Banks and trust companies may pay out of any joint account a sum not exceeding $1,000. The time for payment without interest has been extended from six months to twelve months. Duty payable in respect to annuities or life income may be paid in instalments. The Provincial Treasurer may allow a discount of 4 per cent. for payment before due date. An executor is now only liable to duty with respect to such property as comes into his hands. Power is now given for the Lieutenant-Governor in Council to enter into reciprocal arrangements with other Provinces to avoid multiple taxation.

5. NEW BRUNSWICK.

[*Contributed by* M. B. Dixon, Esq., K.C.]

Acts passed—103; Public—48; Private—55.

Appropriation.—Act No. 1 provides $1,440,540 for civil government, and No. 2, $1,419,692 for roads and bridges and public works.

The remainder of the Acts passed at this session are of minor importance and chiefly slight amendments to other Acts.

6. NOVA SCOTIA.

[*Contributed by* F. F. Mathers, Esq., K.C., *Deputy Attorney-General.*]

Acts passed—155; Local—99; Public—56.

Uniformity of Legislation.—An Act to make uniform the law respecting Bills of Sale and Chattel Mortgages (c. 5), an Act to make uniform the law respecting Conditional Sales of Goods (c. 6) and an Act to make uniform the law respecting Policies of Fire Insurance (c. 7) have been enacted. Each of them is the uniform Act drafted and recommended by the Commissioners on Uniformity of Legislation in Canada. The uniform Act respecting Bills of Sale and Chattel Mortgages was adopted in Alberta and Saskatchewan in 1929; the uniform Act respecting Conditional Sales was adopted in British Columbia in 1922 and in New Brunswick in 1927; the uniform Act respecting policies of Fire Insurance was adopted in Alberta in 1926, in British Columbia in 1925, in Manitoba in 1925, in Ontario in 1924 and in Saskatchewan in 1925.

Overholding Tenant.—The Overholding Tenants Act (c. 8) is practically the same as the Overholding Tenants Act that was previously in force. The only material change is that jurisdiction in respect of overholding tenants is now vested in stipendiary magistrates, instead of in the county court judges; however, any person aggrieved may appeal to the judge of the county court for the district in which the land lies.

Trustees.—By an amendment (c. 45) of the Trustee Act it is provided that where in the management or administration of any property vested in trustees, any sale, lease, mortgage, surrender, release or other disposition, or any purchase, investment, acquisition, expenditure or other transaction, is in the opinion of the court or a judge expedient, but the same cannot be effected by reason of the absence of any power for that purpose vested in the trustees by the trust instrument, if any, or by law, the court or a judge may confer upon the trustees, either generally or in any particular instance, the necessary power for the purpose, on such terms and subject to such provisions and conditions, if any, as the court or a judge may think fit, and may direct in what manner any money authorized to be expended, and the cost of any transaction, are to be paid or borne as between capital and income.

The provision is taken from s. 57 of the Imperial Trustee Act, 1925, 15 Geo. V, c. 19, first enacted by the Imperial Law of Property Act, 1922, s. 123.

Summary Convictions.—Amendments were enacted (c. 47) for the purpose of bringing the Summary Convictions Act more into accord with that part of the Criminal Code of Canada relating to summary convictions, and a provision was borrowed from Imperial legislation to the effect that where

a person convicted of an offence, and adjudged to pay a pecuniary penalty, paid part of the penalty, the term of imprisonment would be reduced proportionately. The section of the Imperial Summary Jurisdictions Act relating to aiders and abettors was adopted, the section in the Criminal Code respecting the matter not being deemed to be sufficient, inasmuch as there is no provision in the provincial legislation similar to s. 69 of the Criminal Code, which makes those who aid, abet, counsel or procure the commission of the offence a party to and guilty of the offence.

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, ESQ., K.C., *Dean, Osgoode Hall Law School, Toronto.*]

Acts passed—118; Public—66; Private—52.

The first session of the eighteenth legislature of Ontario began on February 5, and ended on April 3, 1930.

Legislative Assembly.—An Act to amend the Legislative Assembly Act (c. 4) extends from four to five years the maximum duration of the legislature, by providing that "Every Assembly shall continue for five years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor." The same statute provides for the payment of a sessional indemnity of $3,000 (in addition to the usual members' sessional indemnity) "to the member recognized by the Speaker as occupying the position of Leader of the Opposition in the Legislative Assembly." Under the prior law the special sessional indemnity was payable "to each member recognized by the Speaker as leader of an opposition group of ten or more members in the Legislative Assembly," and the amount was $1,500.

Operation of Mines.—An Act to amend the Mining Act (c. 8) contains a revised edition of Part VIII of the Mining Act, entitled "Operation of Mines," which makes provision in great detail as to employment in or about mines, the protection of miners, fire protection, aid to injured, prevention of dust, handling water, ventilation, care and use of explosives, protection in working places, shafts, winzes, raises, etc., ladderways, shaft equipment, raising or lowering persons, hoisting, signals, protection from machinery, metallurgical works, use of electricity, etc.

Administration of Justice.—An Act to amend the Judicature Act (c. 23) provides:

19. (1) In any action in which the Attorney-General of Canada or the Attorney-General of Ontario is a party plaintiff and the other Attorney-General is a party defendant, the court shall be deemed to have had and shall have jurisdiction to make a declaration as to the validity in whole or in part of any statute of this Legislature or any statute of the Parliament of Canada, which, by its terms, purports to have force in Ontario, though no further relief be prayed or sought.

(2) The judgment in any such action shall be subject to appeal as in ordinary cases.

It is further provided by the Statute Law Amendment Act (c. 21):

6. An appeal to His Majesty in his Privy Council from a judgment of a court in an action authorized by section 19 of the Judicature Act shall not be subject to the restrictions contained in the Privy Council Appeals Act.

Vexatious Legal Proceedings.—The Vexatious Proceedings Act (c. 24) provides as follows:

Where upon an application made by way of originating notice according to the practice of the court and with the consent in writing of the Attorney-General a judge of the Supreme Court is satisfied that any person has habitually and persistently and without any reasonable grounds instituted vexatious legal proceedings in the Supreme Court or in any other court against the same person or against different persons, the judge may order that no legal proceedings shall, without leave of the Supreme Court or a judge thereof, be instituted in any court by the person taking such vexatious legal proceedings, and such leave shall not be given unless the court or judge is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

Contributory Negligence.—In 1924 the Conference of Commissioners on Uniformity of Legislation in Canada prepared a draft Contributory Negligence Act. In this draft the wording of the Maritimes Convention Act was adapted, and its principle made applicable, so as to provide that where by the fault of two or more persons damage or loss is caused to one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each person was at fault. The commissioners' draft was subsequently adopted in Acts passed in British Columbia and New Brunswick in 1925 and in Nova Scotia in 1926. In Ontario, however, the legislature had already in 1924 passed an Act intended to accomplish the same object, but differently worded and somewhat defective in its drafting. In 1930, by the Negligence Act (c. 27), the Ontario legislature replaced the Act of 1924 by a new Act, incorporating the provisions of the Act of 1924, but adding some other sections providing for contribution and indemnity between defendants and for the adding of other persons as defendants. The object of the new Act would appear to be praiseworthy, but it remains to be seen whether the courts will succeed in applying its somewhat obscure provisions in a satisfactory manner. The subject of the relative rights and liabilities of masters and servants, employers and employees, owners, drivers and passengers, and third parties, as they may arise, for example, in connexion with motor vehicle accidents, is an exceedingly complicated one, which is engaging the attention of the Conference of Commissioners on Uniformity of Legislation in Canada in co-operation with the Committee on Comparative Legislation of the Canadian Bar Association. It is hoped that some recommendations for legislation on this subject will be made at a later time. The text of the Ontario statute is as follows:

1. This Act may be cited as the Negligence Act, 1930.

2. In this Act "action" shall include counter-claim, "plaintiff" shall include a defendant who counter-claims, and "defendant" shall include a plaintiff against whom a counter-claim is brought.

3. In any action founded upon the fault or negligence of two or more persons the court shall determine the degree in which each of such persons is at fault or negligent, and where two or more persons are found liable they shall be jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each shall be liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent.

4. In any action for damages which is founded upon the fault or negligence of the defendant if fault or negligence is found on the part of the plaintiff which contributed to the damages, the court shall apportion the damages in

proportion to the degree of fault or negligence found against the parties respectively.

5. If it is not practicable to determine the respective degree of fault or negligence as between any parties to an action, such parties shall be deemed to be equally at fault or negligent.

6. Whenever it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant upon such terms as may be deemed just.

7. In any action tried with a jury, the degree of fault or negligence of the respective parties shall be a question of fact for the jury.

8. Where the damages are occasioned by the fault or negligence of more than one party, the court shall have power to direct that the plaintiff shall bear some portion of the costs if the circumstances render this just.

Liability for Untrue Statements in Prospectus.—The Companies Information Act (c. 38) makes provision for the liability of a director, or a person named by his authority as a director in a prospectus, notice or other circular inviting subscriptions for shares, debentures, debenture stock or other company securities, or a promoter or any person who has authorized the issue of the prospectus, etc. Subject to certain qualifying provisions, the director, promoter or other person is liable to pay compensation to all persons who subscribe on the faith of the prospectus, etc., for the loss or damage they may have sustained by reason of any untrue statement in the prospectus, etc., or in any report or memorandum appearing on the face thereof or by reference incorporated therein or issued therewith.

Prevention of Fraud in Connexion with the Sale of Securities.—The Security Frauds Prevention Act (c. 39) is a revised edition of the statute with the same title passed in 1928 and amended in 1929.[1]

Registration of Real Estate Brokers and Salesmen.—The Real Estate Brokers Act (c. 40) provides for the registration of persons engaged in trading in real estate and of the agents or salesman of such persons, and empowers the Lieutenant-Governor in Council to make regulations with regard to such trading and for the furnishing of information to the public, etc.

Financial Responsibility of Owners and Drivers of Motor Vehicles.—The Highway Traffic Amendment Act (c. 47) contains important new provisions for the furnishing of proof of financial responsibility by drivers and owners of motor vehicles in certain circumstances. The proof of financial responsibility may be furnished either (*a*) by the certificate of an authorized insurance company that it has issued a policy or policies of insurance in a prescribed form to the amount of at least $5,000 for injury to or death of one person and at least $10,000 for injury to or death of two or more persons in any one accident, and at least $1,000 for damage to property of others resulting from any one accident; (*b*) by the bond of a licensed guarantee insurance or surety company or an approved bond with personal securities, for the amounts above-mentioned; or (*c*) by the certificate of the Provincial Treasurer showing that a deposit of money or approved securities for money has been made with him to the amount of $11,000. Proof of financial responsibility may be required by the Minister of Highways from any person who, while operating any motor vehicle, has, in the opinion of the Minister, been

[1] See *Journal of Comparative Legislation*, 3rd series, vol. xii, pt. ii, p. 79; vol. xiii, pt. ii, p. 48.

responsible in whole or in part for any motor vehicle accident resulting in the death of, or injury to, any person, or damage to property in excess of $100, or from any person in whose name the motor vehicle is registered, or from both; and the Minister may suspend all owner's permits or driver's licences in such cases until proof of financial responsibility has been given. If a person has been convicted of any of certain specified offences under the Highway Traffic Act, his driver's licence or owner's permit is to be suspended by the Minister until proof of financial responsibility is furnished. If a judgment is pronounced in any court in Canada for damages on account of injury to or the death of any person, or on account of damage to property in excess of $100, and the judgment debtor does not, within fifteen days after the judgment becomes final, satisfy the judgment, his driver's licence and owner's permit are to be suspended by the Minister until the judgment is satisfied to the extent at least of $5,000 for injury to or death of any one person, and of $10,000 for injury to or death of two or more persons, and of $1,000 for damage to property, and until the judgment debtor furnishes proof of his financial responsibility. The Minister may also require proof of financial responsibility before the issue of an owner's permit or driver's licence, or the renewal thereof, to any person under the age of twenty-one years or over the age of sixty-five years.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Acts passed—38; Public—21; Private—17.

Highway Traffic.—C. 1, a new statute respecting travel on highways and the speed operation and load of vehicles thereon, repeals former Acts and is understood to be in uniformity with the Motor Vehicle Acts in some other Provinces.

Security Frauds Prevention.—C. 2 is supposedly uniform with a statute which is understood to have been passed at this last session in several Provinces. A comparison with the Alberta Act, 1930, c. 8, shows that Part III of the Alberta Act relating to audit, accounts and information has been omitted from the Prince Edward Island Act.

Audit.—C. 3 consolidates and amends previous legislation respecting the auditing of the expenditure and receipt of public moneys of the Province.

Succession Duties.—Provision is made by c. 7 for exemption from the payment of succession duty in respect of personal property of a non-resident decedent in cases where exemption from similar duties is granted in the province, state or country of decedent's domicil, or in cases where reciprocal exemption provisions exist between such province, state or country and Prince Edward Island.

Growing Crops.—By c. 11 securities taken upon growing crops are made invalid unless taken for the purchase price and interest thereon of seed potatoes or fertilizer.

Adoption of Children.—By c. 12 the Court of Chancery may sanction the adoption of children who, in case of the intestacy of the adopting parent, become entitled as if born of the adopting parent.

Provincial Police.—By c. 16 authority is given the Lieutenant-Governor in Council to constitute a provincial police force for the enforcement of provincial statutes.

9. QUEBEC.

[*Contributed by* THE HON. MR. JUSTICE FABRE SURVEYER.]

Acts passed—190; Public—109; Private—81.

Quebec Social Insurance Commission.—By c. 14, the Cabinet is authorized to appoint a commission of not more than seven members charged with the study of the situation respecting the establishment in the Province of a system of social insurance and legislation to be adopted in this respect. The commission is vested with powers conferred by the Public Inquiry Commission Act regarding the summoning, swearing, protection and travelling expenses of witnesses. It must proceed with due diligence and report.

Legislature.—C. 17 provides for a procedure for the acceptance of the resignation of a member between two sessions, and the issuance of a writ for the election of his successor.

Succession Duties.—By c. 28, part of c. 29 of the Revised Statutes is repealed and replaced; no duty shall henceforth be exigible on property transmitted in the direct line, ascending or descending; between consorts, between father or mother-in-law and son or daughter-in-law, when the aggregate value thereof does not exceed $25,000, up to $50,000 1 per cent. is charged, and when the property exceeds one million dollars, 10 per cent., the intermediate amounts being taxed according to a sliding scale. If the whole amount goes to one person, an additional sliding duty is charged, beginning at $50,000. Successions transmitted to a collateral relative pay no duty up to $10,000, and when transmitted to the brother or sister, or son or daughter of a brother or sister of the father or mother of the deceased, the exemption from duty only applies when the value of the property does not exceed $5,000. Sliding scales are established for more distant relations and for strangers.

No duty shall be levied on property devised or bequeathed for religious, charitable or educational purposes to be carried out in the Province by a corporation or a society having an establishment within the Province or by a person resident in the Province, nor on the amount of any unpaid subscription for any like purpose made by the person in his lifetime.

No insurer may make a valid payment of the amount due by reason of a death, except to the extent of $1,000 and with the consent of the proper authorities, unless the Cabinet authorizes the payment before the duties are settled or a certificate that none is due is obtained. Disobedience to this provision is punished by fine or imprisonment, as the case may be.

Wild Animals living in Captivity.—By c. 44, the Game Laws are amended by provisions enabling the Cabinet to authorize the Minister of Colonization to acquire or select an experimental farm for the raising of animals in captivity, in order to carry out experiments indispensable to the success of the industry of raising such animals and to acquire wild animals and place them on such experimental farm for raising purposes.

Jewish Schools of Montreal Island.—By c. 61, a commission of seven members of the Jewish faith may be appointed by the Cabinet, such commission to have perpetual succession and possess all the rights and powers generally vested in similar corporations. All school questions pertaining to the education of persons of the Jewish faith and to the Jewish Schools Commission of Montreal shall be solely under the jurisdic-

tion of the Superintendent of Education. The Cabinet may, upon the recommendation of the Superintendent of Education, or upon the application of the Jewish Schools Commission of Montreal, establish by proclamation a Jewish Central Board of Examiners for the examination of candidates for teachers' diplomas. One or more Jewish school municipalities may be erected on the Island of Montreal; but such municipalities shall include the whole territory of the Protestant school municipality in which they are formed, and after their establishment, be governed by the Jewish Commission. The Commission, instead of establishing separate schools for the education of the Jewish children of a locality, may enter into an arrangement for their education with any other board of school commissioners or trustees in the same locality, such arrangements being subject to the approval of the Cabinet on the recommendation of the Superintendent of Education. Difficulties between the Jewish School Commission and the Protestant School Board regarding school sites or school houses shall be submitted to the Quebec Public Service Commission.

Justices of the Peace.—By c. 68, justices of the peace in every city, town or village are provided with a clerk, who may be the clerk of the peace, of the magistrate's court, of the municipality, or of the Recorder's Court. In unorganized territories, a justice of the peace may appoint his own clerk, and in all cases the Cabinet may appoint a clerk for any extent of territory it may see fit. Such clerk shall keep notes of all proceedings in his court; he must keep account books and make the returns required by law to the Attorney-General or the clerk of the peace of the district. He shall transmit to the latter, without delay, all moneys received by him or by a justice of the peace as security, and of all matters submitted to the justices of the peace during the preceding month. He is entitled to the fees provided by the tariffs in force and shall not at any time, under any pretext, demand or request higher fees than those fixed and determined by such tariffs.

Deputy Coroners.—By c. 69, the Attorney-General shall appoint, from among the residents within the territorial limits assigned to a coroner, one or more deputies who shall replace the coroner whenever the latter is ill or absent, or requests them to act. Their services and disbursements are paid according to the existing tariff and through the coroner. When the latter's office becomes vacant, his deputies replace him until the Cabinet has made another appointment.

Moving Pictures.—By c. 76, the Board of Censors of Moving Pictures shall pass upon all cuts, drawings or engravings used to advertise pictorial or moving picture performances.

Hotel Inspection.—By c. 81, every person keeping an hotel or lodging-house shall, before the end of every year, transmit to the Revenue Branch at Quebec a statement giving the number of every bedroom and the maximum rental charge for the next calendar year, and in the case of an hotel, the price charged generally for each of the meals taken otherwise than *à la carte*. Publicity may be given to such charges by such methods as the Provincial Treasurer may determine.

Child Protection (Tuberculosis).—By c. 83, the Cabinet may, upon the recommendation of the Provincial Secretary, establish, under the direction and control of the Provincial Bureau of Health, a "child family placement service," to place in the country, with private families, children who are threatened with tuberculosis through the existence thereof in their families. It may establish placement centres, make arrangements with

the ministers of the children's religion for the choice of the families and for the moral and physical supervision of the children.

Marriage Licence.—By c. 84, a marriage licence issuer must satisfy himself that the person applying for such licence is actually the person he represents himself to be, and he shall require every applicant not known to himself to take an oath declaring the names, surnames, qualities or occupations and domicils of the parties to be married, and whether they are of age or minors; the names, surnames, occupations and domicils of their fathers and mothers, and whether either or both parties have been divorced and, in such case, where the divorce was granted and the date thereof.

Companies Information.—C. 87 repeals the Securities Sale Act of 1929 (R.S.Q., c. 228) and replaces it. A prospectus containing all the information required by this Act, or by the Cabinet, shall be filed with the Provincial Secretary by every company and syndicate upon the establishment in the Province of a head office or other office—upon commencing any business in the Province or upon the sale therein of any of its securities; upon any material change in any fact set forth in the last prospectus filed; and before the sale in the Province of any issue of securities, or any part thereof, other than that in respect of which a prospectus has been filed. Penalties are imposed for failure to file such prospectus or the yearly returns required by the Act or by notice of the Provincial Secretary.

Security Frauds Prevention.—By c. 88, no person shall trade in any security, act as an employee or agent of any person or company in connexion with trading in any security by such person or company, or act as a salesman for any person or company in connexion with trading in any security by such person or company, unless he, or the person or company he represents, be registered as a broker with the Provincial Secretary. Such registration is unnecessary, however, for (*a*) a judicial sale of securities or a sale thereof by a testamentary executor, tutor, curator, trustee, authorized trustee, receiver, custodian or liquidator under any legal provision; (*b*) an isolated sale of securities by or on behalf of the owner, where such sale is not made in the course of continued and successive transactions of a like character nor by a person whose usual business is trading in securities; (*c*) a sale by an official or employee, in the performance of his duties as such, of His Majesty in the right of the Dominion or any Province or territory of Canada, or by an official or employee of a Commission appointed under an Act of the Parliament of Canada or of the Legislature of this Province; (*d*) a sale by or for the account of a creditor-pledgee for the purpose of liquidating a debt contracted in good faith, by selling or offering for sale in good faith, in the ordinary course of business, any security also pledged in good faith to guarantee payment of such debt; (*e*) the distribution, issuance or sale by a company exclusively to the holders of shares of its capital stock, its bonds or other securities as a stock dividend or as a distribution out of profits or surplus, or in the process of a *bona fide* reorganization of the company, or of increasing its capital, where no commission or other remuneration is paid or given in connexion therewith; (*f*) the exchange by or on account of one company with another company of its own securities in connexion with a consolidation, amalgamation or merger of such companies; (*g*) every kind of trade specifically exempted by the Regulations from the application of this Act. Such registration is also unnecessary with regard to (*a*) securities in which trust funds may lawfully be invested under the provisions of the

Civil Code ; (*b*) securities secured by hypothec on moveable or immoveable property, when the whole of such securities are sold at one and the same time by a company ; (*c*) promissory notes or commercial paper maturing not more than one year from the date thereof and those payable on demand ; (*d*) any class of securities specifically exempted from the application of this Act.

The Attorney-General, and any person to whom as his representative he may in writing delegate his authority, may hold an investigation and examine any person, company or thing whatsoever at any time in order to ascertain whether any fraudulent act, or any offence against this Act or the regulations, has been or is about to be committed. This investigator shall have the same power to summon and enforce that attendance of witnesses and to compel them to give evidence on oath and to produce documents as is vested with the superior court in civil matters, and such person cannot refuse to answer on the ground that he might expose himself to litigation except as provided by the Canada Evidence Act. The Attorney-General may appoint accountants and experts. Failure to supply the required information shall constitute an offence.

If the Attorney-General finds that any fraudulent act, or that any offence against this Act or the regulations, has been or is about to be committed, he may, (*a*) where he has reason to believe that a registered broker, company or salesman is concerned in such fraudulent act or in such offence, order that such broker, company or salesman, or any other registered broker, company or salesman concerned directly or indirectly in such fraudulent act or in such offence, be suspended from registration for any period not exceeding ten days ; or (*b*) where he considers a suspension of ten days inadequate, or where any unregistered person or company is in his opinion concerned, directly or indirectly, in such fraudulent act or in such offence, proceed under the provisions of s. 12, or otherwise under this Act or the regulations ; or (*c*) give notice of the suspension and of the fraudulent act to the public by advertisement or otherwise, or to any individual by letter or otherwise, whenever he deems it advisable.

The superior court or any judge thereof, upon application of the Attorney-General alleging that any fraudulent act or any offence against this Act has been committed, may by order enjoin, (*a*) any registered broker, company or salesman, or any person or company, directly or indirectly implicated with any of them in the same matter, from trading in any security whatever for all time or for such period of time as shall seem just, and any such order shall *ipso facto* suspend the registration of any registered person or company named in the order during the same period ; or (*b*) any person or company from trading in any security whatever, or in any specific security, for all time or for such period of time as shall seem just.

A stock exchange in the Province may, through an executive committee, appoint a panel of brokers' auditors, each member of which may be charged with auditing the books and accounts of brokers. Brokers' auditors must have practised in the Province for not less than five years and may not be in the employ of the broker whose books they have to audit. They must make a yearly audit of the books of the broker designated to them by the executive committee and have free access to all such of his papers as are reasonably required for the purposes of their audit.

Whenever a person, or a member or employee of a partnership, or a director, officer or employee of a company while he or the partnership or company is employed as a broker by any customer to buy and carry upon margin any securities of any incorporated or unincorporated company or undertaking either in Canada or elsewhere, sells, or causes to be sold, securities of the same company or undertaking for any account in which he has a direct or indirect interest, and when the effect of such sale shall be to reduce the amount of such securities in the hands of the broker or under his control in the ordinary course of business below the amount of such securities which he should be carrying for all his customers, the purchase contract of any customer shall at the option of such customer be void, and the customer may recover from the broker all moneys paid with interest thereon and the securities deposited as security or otherwise.

The broker shall in addition be guilty of an offence.

The customer may exercise such option by a registered letter to that effect addressed to the broker.

Every broker who has acted as agent for a customer shall, without delay, send or deliver to each customer for whom any security has been bought or sold by the broker a written confirmation of the transaction setting forth: (*a*) the quantity and description of the security; (*b*) the name of the person or company from, to or through whom or which the security was bought or sold; (*c*) the day, and, in the case of a member of a stock exchange, the half-hours between which, and the name of the stock exchange upon which, the transaction took place.

The failure, without reasonable excuse, to comply with the provisions of this section shall constitute an offence.

Every stock exchange shall keep a record showing the time at which each transaction on such exchange took place and shall supply to any customer of any member of such exchange, upon production of any written confirmation of any transaction with any such member, particulars of the time at which such transaction took place and a certificate establishing the truth or falsity of the facts mentioned in the confirmation, provided the transaction with respect to which the information is requested shall not have been effected more than two years previously.

10. SASKATCHEWAN.

[*Contributed by* J. P. Runciman, Esq., *Legislative Counsel.*]

Acts passed: Public—96; Private—10.

Revised Statutes.—The statutes of Saskatchewan are revised and consolidated every ten years. In 1928 an Act was passed establishing a commission of three persons, with ample powers, to effect the necessary revision and consolidation for the present decade. The commission having completed its work up to the end of 1929, c. 3 recites this fact, directs the commissioners to include the statutes of 1930 in the roll, and provides that when a copy of the roll, properly attested, has been deposited in the office of the Clerk of the Legislative Assembly, the Lieutenant-Governor in Council may by proclamation declare a day on, from and after which the Revised Statutes of Saskatchewan, 1930, shall come into force and have effect.

Legislative Assembly.—Hitherto the long-established rule, that if a member of the Legislative Assembly accepts an office or place of emolu-

ment under the Crown he thereby vacates his seat, has been in force in Saskatchewan, but by an amendment to the Legislative Assembly Act (c. 5) it is now provided that: "Where a member of the Assembly is appointed a member of the Executive Council within six months after the day fixed for polling at a general election, he shall not, by reason only of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly."

Public Service.—The Public Service of the Province has been placed under the control of an independent commission of three, possessing extensive powers (c. 7). The service is classified and the employees assigned to four divisions, namely, the administrative, the professional, the clerical and the general. Rules are laid down for admission to the service, imposing general conditions of service and dealing with promotion, transfers, temporary employment and termination of employment. These matters are placed under the supervision of the commission upon whose vigilance and care the efficiency of the service will largely depend. Employees may not engage in any business or profession outside the service without express leave from the commission, and they are forbidden to take part in politics.

Natural Resources.—The long drawn-out struggle for the return of the natural resources of the Western Provinces to the people of those Provinces has been brought to an end by agreement between the Dominion and provincial Governments. This Agreement has now been approved by concurrent legislation (c. 87) and is to be ratified by an Imperial Statute. The financial terms granted Saskatchewan include payment of an annual subsidy of $750,000 until the population reaches 1,200,000; thereafter the sum payable is to be $1,125,000. The terms of the agreement are based upon the admitted right of the Province to be placed in a position of equality with the other Provinces of the Dominion with respect to the administration and control of its lands, mines, minerals, waters, water powers, etc., as from its establishment as a Province and entry as such into Confederation in 1905, but Saskatchewan denies that Canada had at any time the right to use those resources for its own purposes. As stated in the preamble to the Agreement, the provincial Government denies that before 1905 it was competent for Parliament to enact that the natural resources of the area now included within the boundaries of the Province should "Vest in the Crown and be administered by the Government of Canada for the purposes of Canada," and contends that the federal authorities were only entitled to administer those resources "for the benefit of the residents within the said area." The issue thus raised is to be referred to the Supreme Court of Canada from whose decision there will be an appeal to the Judicial Committee of the Privy Council.

Surrogate Courts.—An important extension has been given to the jurisdiction of surrogate courts (c. 21). It was held *in re McElhinney Estate*, (1929) 3 W.W.R., 667, that a surrogate court had no power, on passing an executor's accounts, to inquire into his liability for wilful default or neglect, but that action must be taken in the Court of King's Bench to recover damages for any losses sustained by such wrongdoing. The surrogate court, in other words, had no greater authority than the Probate, Divorce and Admiralty Division in England, where actions against an executor or administrator for accounting on a footing of wilful default, breach of trust or neglect are specially assigned to the Chancery Division. By c. 21 the surrogate court is now empowered to deal with

such cases, so that for this purpose it is given jurisdiction over causes of action which in general belong to a superior court.

Mortgages.—Mortgagees and vendors of land have been given additional security by an amendment to the Distress Act (c. 24) enabling them to require the tenant or other occupant of the land to pay to them the rent or rentable value of the land to the extent of the interest due, " and of all taxes or levies and premiums of insurance payable by the mortgagor or vendee under the mortgage or agreement of sale, and of all moneys which the mortgagee or vendor has paid upon or in respect of any prior mortgage or charge upon the land for payment of which the mortgagor or vendee is liable." Such rent or rentable value may be recovered by any remedy available to a landlord under the Landlord and Tenant Act.

Cities.—An interesting piece of election machinery has been placed at the disposal of the councils of cities in the form of what is called a rotating ballot (c. 31). This device may be adopted by by-law, in which case the provisions governing the ballot are as follows: Ballot papers shall be printed in as many lots as there are candidates for the office. In the first lot the names of the candidates shall appear in alphabetical order. In the second lot the names shall appear in the same order except that the name which appears first in the first lot shall be placed last, and so on until each name in the list has appeared at the head of a proportion of the ballots. It is thought that there is a certain advantage gained by a candidate whose name appears first on the ballot and the intention of the new system is to see that this advantage is shared by all the candidates and not monopolized by those whose initials are earliest in alphabetical order.

Schools.—Two Acts were passed at the recent session in amendment of the School Act. The first of these deals with the display of religious emblems in schools (c. 45). It declares that: " no emblem of any religious faith, denomination, order, sect, society or association shall be displayed in or on any school premises during school hours, nor shall any person teach or be permitted to teach in any public school while wearing the garb of any such religious faith, denomination, order, sect, society or association."

In introducing this Bill the Premier pointed to the public schools of the Province as belonging to a non-sectarian system suited to the cosmopolitan nature of the population, and providing a common ground where children of many races and many creeds might meet. The enactment, in his words, " does not affect religious instruction as allowed under the present law ; it does not affect separate or minority schools, and does not affect existing regulations as regards language. It simply affects that one institution, the public school." The inspectors had reported 36 schools with 73 rooms as having teachers in religious garb, and 117 schools with 161 rooms as having religious emblems on the walls.

C. 46 also shows a desire to make the school system a unifying instrumentality. It contains a new section providing that : " each person nominated for the office of trustee shall be a resident rate-payer of the district who is able to read and write and to conduct school meetings in the English language " and who has taken the oath of allegiance.

A Cancer Commission.—One of the great problems affecting the health of the people, which is demanding attention everywhere, has been met in Saskatchewan by the establishment of a Cancer Commission (c. 64). This body is to institute inquiries and collect facts and statistics relating to the incidence of mortality from and treatment of cancer ; to disseminate

information for the purpose of aiding in the control and successful treatment of cancer; to establish consultative diagnostic clinics; to establish one or more clinics for treatment of the disease by radiation therapy and electrotherapeutics; to obtain a supply of radium with the necessary equipment and appurtenances and apparatus for the diagnosis and treatment of cancer; and to make arrangements for having the facilities for diagnosis and treatment available for all patients. A sum of $115,000 has been set aside by the Legislature for the purchase of radium. This is a remarkable advance in the manner of dealing with one of the greatest scourges of the race.

Mental Defectives.—Mental defectives in Saskatchewan are to be dealt with hereafter in special training schools (c. 71). A mentally defective person is defined as a person "actually or apparently of or over the age of 16 years, in whom there is a condition of arrested or incomplete development of mind which existed before the age of 16 years, whether arising from inherent causes or induced by disease or injury," and such persons are stated to include three classes representing different degrees of mental deficiency, namely, idiots, imbeciles and morons.

Anyone, suspecting another to be mentally defective, may lay an information on oath before a justice of the peace, who then issues his warrant for the apprehension of the suspect. If, on hearing the evidence, the magistrate finds the charge proven, he may commit the mentally defective person to the custody of some relative or friend or to other safe custody to await the order of the minister for removal to a training school or until discharged by law. Another manner in which the case may be dealt with is furnished by s. 15. The certificates of two legally qualified medical practitioners, setting forth the information and inquiries upon which they are founded and testifying to the mental condition of the person alleged to be defective, constitute sufficient authority to any person to convey such person to a training school. The certificates and statements being forwarded to the minister, the minister may issue his warrant for the detention of the person named therein.

Registration of Corporation Securities.—The Bills of Sale and Assignment of Book Debts Acts (1929–30, cc. 69 and 70) prepared by the Commissioners on Uniformity of Legislation in Canada and passed in several of the Provinces, excepted from their provisions documents given to secure bond issues. The gap is now filled for Saskatchewan by a new Act (c. 76) entitled the Corporation Securities Registration Act, which requires every mortgage or charge of chattels and every assignment of book debts, whether specific or floating, created by a corporation and contained in a trust deed to secure bonds, debentures or debenture stock, or in those securities themselves, to be registered with the Provincial Secretary within thirty days from its execution, if it is to stand against creditors, subsequent purchasers or mortgagees who are such in good faith, for valuable consideration and without notice.

Security Frauds.—The crash in the stock market in 1929 and the losses caused thereby to the investing and speculating public led to the investigation and exposure of the practices of certain brokerage houses dealing in stocks, especially mining stocks, which had enjoyed a brief but delusive popular favour, and had been manipulated with profit to the brokers but dire results to the public. In consequence a conference was held in Toronto from February 10 to February 14 in which all the Provinces except the maritime provinces were represented. At this con-

ference the whole question was thoroughly debated and a uniform Act known as the Security Frauds Prevention Act was drawn up. That Act provides for the inspection of the books of brokers, and gives extensive powers to the Departments of the Attorneys-General of the Provinces for keeping a strict supervision over the activities of stockbrokers. This Act has been placed upon the statute book of Saskatchewan (c. 74).

Research.—The application of scientific methods and principles to industry is being in an ever-increasing degree recognized as an essential to the efficiency of industry and the complete and profitable development of our resources. Success in the exploitation of our raw materials for commercial and industrial purposes must be founded upon thoroughgoing research, and this has been recognized by the governing authorities of Saskatchewan. By an Act of the recent session (c. 88) provision is made for the constitution of a council to be known as the Research Council of Saskatchewan, to consist of not more than ten members designated by the Government and including two members of the Executive Council and the President of the provincial university. In general the council is to have charge of all matters affecting scientific and industrial research which may be assigned to it by the Lieutenant-Governor in Council, and it is to advise the Government on questions of scientific and technological methods affecting the expansion of the industries or the utilization of the natural resources of the Province.

Superannuation of Teachers.—An Act (c. 93) provides for the superannuation of teachers upon lines somewhat similar to those adopted for the superannuation of public servants. The system is a contributory system, the teachers paying into a special fund a certain percentage of their salaries, the Government contributing a like amount. The conditions of participation are that the teacher shall have attained the age of 60 years if a man or 55 years if a woman, a certain length of service being required in each case.

A Bi-provincial Town.—A very remarkable piece of legislation is the Lloydminster Municipal Amalgamation Act (c. 94). There is in Alberta a village adjoining the provincial boundary line on the east, and immediately adjoining it upon the other side of the line is a town in Saskatchewan. By concurrent legislation of the two Provinces these municipalities are to be made one, and the united town is to be governed by a municipal council elected by the rate-payers of the portions in Alberta and Saskatchewan respectively. The municipal council will have all the ordinary powers of such a body, the Town Act of Saskatchewan having been adopted substantially as the charter of the new municipality. This is probably the only case of the kind in the British Empire. No precedent for such legislation is known.

An Athletic Commission.—Provision has been made by c. 96 for an Athletic Commission, the object of which is to assist, promote and encourage amateur sport and recreation in schools and community centres, and through associations of amateur sportsmen. The most important duties of this body will be to make rules and regulations for the government of athletic sports in Saskatchewan, the classification of such sports and of those taking part therein, the tests of amateur standing and conditions of athletic competitions. The commission will act as a board of appeal to hear protests against the decision of an umpire in any contest or charges of breaches of the rules and regulations.

Vehicles.—The vehicles legislation of the Province has been con-

solidated (c. 66), with the addition of a new provision regarding the liability of owner and driver for damages in case of accident. S. 49, the new section, reads as follows: "In all cases when any loss, damage or injury is caused to any person by a motor vehicle, the person operating it at the time shall be liable for the loss, damage or injury, if it was caused by his negligence or improper conduct, and the owner thereof shall also be liable to the same extent as the operator unless at the time of the injury the motor vehicle had been stolen from him or otherwise wrongfully taken out of his possession or out of the possession of any person entrusted with the care thereof."

Fire Prevention.—An amendment to the Fire Prevention Act (c. 62) provides that every receptacle for gasolene, benzine, naphtha or ethyl shall be red, and no person shall put any such liquid, in quantities of ten gallons or less, into a receptacle of any other colour. Vendors of any of those liquids are required, before delivering the liquid, to see that there is affixed permanently to or pasted upon the receptacle a label stating the nature of the contents and a warning notice with the name of the liquid contained therein and the word "Danger" in type of not less than 36 point extended Gothic capitals, the body of the notice being in type of not less than 10 point. The requirements are not to apply to gasolene or ethyl when placed in the tank of a motor vehicle.

A Weekly Day of Rest.—C. 81 provides that every employee engaged in any industry, including the employees of a municipal corporation, shall be entitled to at least twenty-four consecutive hours of rest in every seven days, which hours of rest shall, whenever possible, be on a Sunday. The necessary exceptions are made in favour of watchmen, janitors, stationary engineers, persons occupying supervisory, managerial or confidential positions, persons employed for the sole purpose of maintaining fires, setting sponges in bakeries, repairing machinery, etc.

11. NEWFOUNDLAND.

[*Contributed by* BRIAN DUNFIELD, ESQ., K.C., *Acting Deputy Minister of Justice.*]

Public Lighting.—C. 9 provides for a system of local taxation to defray the expenses of the lighting by electricity of the streets and public places in small towns. Upon the petition of a majority of the electors certified by a stipendiary magistrate the Governor in Council may declare the area dealt with to be an electric lighting area for the purposes of this Act, and shall appoint two Lighting Commissioners for the area, who have power to make contracts for public lighting and to collect a poll tax from electors within the area to defray the cost thereof. The Colonial Secretary is given a general control, with power to disallow or supplement the proceedings of the Commissioners. The Act does not apply to St. John's, and any other town may be from time to time excluded from the operation of the Act by Order-in-Council. The Act 11 George V, c. 41, dealing with this subject is repealed.

Municipal Regulation.—An Act to amend c. 51 of the Consolidated Statutes (Third Series) entitled "Of Nuisances and Municipal Regulations" (c. 10) is intended to deal with the practice of prostitutes going on board and being aboard any sea-going ship not belonging to this Colony, while lying in the ports of this Colony. A female found on board any such ship and not being able to give a satisfactory account of herself

is subject to fine. The master, or in his absence the officer for the time being in charge of the ship, is also subject to fine, without proof of his knowledge or complicity in the fact of such female being on board. This provision has been found necessary on account of the practical impossibility of proving such knowledge, and on account of the complicity of officers in certain cases, and in order to compel watchfulness on the part of masters and officers in enforcing discipline under this head. The ship may be detained until the fine on the master or officer is paid.

Exhumation.—C. 12 provides for the exhumation or removal of dead bodies by licence from the Minister of Justice and under the supervision of the Chairman of the Board of Health. Any person doing it without a licence is liable to a fine not exceeding $50.

Magistrates.—C. 14 consolidates and improves the law relating to the jurisdiction of magistrates and justices of the peace, and is based upon such parts as are applicable to local conditions of the following Imperial Statutes: Indictable Offences Act, 1848; Summary Jurisdiction Act, 1848; Summary Jurisdiction Act, 1857; Criminal Law Amendment Act, 1867; Summary Jurisdiction Act, 1879; Summary Jurisdiction Act, 1899; Criminal Justice Administration Act, 1914; and Criminal Justice Act, 1925; together with the local Act, c. 86 Consolidated Statutes, 1916, dealing with the jurisdiction of stipendiary magistrates and justices of the peace; and some minor local enactments.

Stipendiary magistrates have jurisdiction throughout the Colony. In civil matters they may try actions for debt or damages not exceeding $200, except actions for malicious prosecutions, actions for false imprisonment, actions against justices or public officers for acts done in the execution of their duty, actions of libel or slander where the amount of damages claimed exceeds $50, actions for wrongful dismissal where the damages claimed exceed $50.

Stipendiary magistrates may try actions concerning the wages of labourers engaged in lumbering or mining or manual occupations connected therewith to any amount.

Ss. 29–48 deal with the procedure for the committal to the Supreme Court of persons charged with indictable offences. From s. 49 onwards are to be found provisions for the exercise of the summary jurisdiction without a jury. In ss. 102 and 103 are to be found provisions taken from the Imperial legislation with regard to the trial of children and young persons. At s. 120 will be found provisions with regard to appeal to the Supreme Court.

The Third Schedule sets out the offences which a stipendiary magistrate may try. In some cases the consent of the accused is necessary, and in some cases the consent of the Minister of Justice is also necessary. The criminal jurisdiction is somewhat extended, the most conspicuous changes being the assignment to the magistrate of any case of arson which the Minister of Justice may think not sufficiently serious to be assigned to the Supreme Court; any case of forgery and uttering where the amount involved does not exceed $100; and any case of escape from lawful custody or prison breach. In this last case it has been found that the evidence is almost always conclusive, and there is almost invariably a plea of guilty, and grand juries have objected that it was a useless formality to bring these cases before them.

The Act was brought into force on January 1, 1931.

Crown Lands and Natural Resources.—C. 15 introduces an entirely new

system in relation to Crown lands, timber, minerals, water powers, etc., involving the repeal of all existing legislation on this subject.

Part I deals with lands for residence, agriculture and industry, and is governed by the principle that land will be granted less freely and in smaller units than heretofore, and that the conditions of the grant will have to be more strictly carried out.

Part II deals with bog lands. The only substantial change in the present law is a great reduction in the areas to be granted.

Part III deals with quarries, and the same observations apply.

Part IV deals with water powers. The present law contained but one section on this subject, and allowed the Governor in Council to deal with water powers on almost any terms he thought fit. The new Act, which is modelled on Canadian legislation, requires that very full details be given by the applicants with regard to the proposed enterprise. The application will then be advertised, and after protests or objections have been dealt with, they will be given an interim licence, subject to their making a guarantee deposit as evidence of good faith. Upon the completion of development in accordance with the terms of the application a substantive licence will be issued, extending the term to a total of fifty years. Remedies are provided in case conditions are not performed.

There is special provision for small water powers, not exceeding one hundred horse-power, in respect of which the requirements are considerably simplified, and more extensive powers are reserved to the Governor in Council.

Part V deals with mineral lands, and is based in the main upon recent legislation of the Province of Ontario. Prospectors and miners must hold a miner's permit. Claims must now be staked out, stakes being placed at each of the four corners, and the claim is to be a square of forty acres. After staking, an application is made to the Minister, and if it is not disputed a certificate of record is given after sixty days. Transfers and other documents affecting mining claims must be registered in the Department of Mines.

In order to retain his claim, the recorded holder must within five years perform a total of two hundred days' work. Diamond drilling and electrical or other geophysical prospecting may be taken as work. Upon the completion of the required amount of work, a grant in fee simple is issued.

At s. 107 there is provision for the reservation of areas of twenty-five square miles at a reduced rate for the purpose of geophysical prospecting.

At s. 108 there is provision for permits for boring for oil, natural gases, coal or salt.

At s. 110 there is provision for licences for dredging in the beds of streams and lakes.

A royalty of 5 per cent. is reserved to the Crown upon net profits from all minerals.

At ss. 112 and 113 there is provision for the simple recording of mining partnerships, and for the simple and summary trial in the first instance of disputes relating to mining rights, all of which is intended to facilitate the prospector.

Part VI deals with timber lands. Timber lands are now to be laid off in blocks not exceeding twenty-five square miles, and the licence to cut timber thereupon is to be bid for at public auction, the cost of preliminary survey and cruising to be paid in the first instance by the

applicant, and ultimately by the successful bidder. Provision is made for payment of the purchase price by instalment, and for security therefor. The licence is renewable from year to year while there is on the tract timber in sufficient quantity to be commercially valuable. Provision is made at s. 134 to prevent waste of timber, the destruction of growing timber, and forest fires, and for the making of returns; also for the withdrawal, subject to compensation, of any lands required in connexion with the development of water power. The Government of Newfoundland may take from the ground covered by any licence, without compensation, timber for use for such public works, including railways, as lie within the area. The prohibition of the export of timber from ungranted Crown lands is continued, as is also the prohibition of the export of unmanufactured timber from any lands. Cordwood, pulpwood and pit-props, whether barked or not, are not regarded as manufactured timber. A person who holds timber lands under licence is not to cut timber on, or buy timber cut from, Crown lands.

Part VII deals with saw mills. The present distinction between fishermen's mills and commercial mills which had become obsolete is abolished, and all mills are now to be of the same class. No milling licence may be renewed unless all moneys due to the Government have been paid up-to-date and a receipt therefor endorsed on the licence.

Part VIII contains miscellaneous provisions covering the following matters: Prevention of waste of timber; prevention of destruction of growing timber; prevention of forest fires; the taking of rights of way, etc., for mining purposes, and compensation therefor; the preservation of the rights of the holders of grants, leases or licences issued before the passing of this Act; the breeding of fish; access to submarine mining locations; the correction of errors; interference with surveyors, etc.

Wireless Telegraphy.—C. 19 is the first Act dealing with the subject of radio telegraphy, which is brought more fully under the control of the Minister of Posts and Telegraphs. Every transmitting or receiving station must have a licence from the Minister. Every steamer, whether registered in Newfoundland or not, carrying fifty or more persons and making any voyage of more than fifty nautical miles must have wireless telegraph apparatus with a range of one hundred miles and in charge of a qualified operator. This does not apply to steamers calling at Newfoundland ports to obtain supplies or through stress of weather, nor to coasting steamers which in certain circumstances may be declared exempted by the Governor in Council. Operators must be British subjects, must hold certificates of proficiency, and must make a declaration of secrecy. A penalty is provided for the transmission of false or fraudulent distress signals, or for the obstruction of radio communications. Power is provided to search for unlicensed stations; for the imposition of fees for licences; and for the making of regulations by the Minister, which regulations must be published in the *Gazette*. The Crown may at any time take possession of any radiotelegraph station in case of necessity.

Posts and Telegraphs.—C. 20 amends c. 34 of the Consolidated Statutes (Third Series) entitled "Of the Postal and Telegraph Services," and provides for the use of automatic stamping machines for impressing on mail matter stamps equivalent to postage stamps.

Stamps.—C. 23 provides for the use of automatic stamping machines for the impressing of stamps equivalent to inland revenue stamps.

Income-tax. — C. 24 amends the Income-tax Act of 1929. S. 1 avoids double taxation in cases where one corporation, whether within or without the Colony, holds shares in another corporation which has paid, or is liable to, income-tax. S. 3 gives the assessor of income-tax power to determine to what extent exemptions or deductions granted by the Act shall be applicable to the income earned in Newfoundland by a person employed in Newfoundland for less than half a year. S. 4 reduces the general rate of income-tax under certain sections of the Act by 25 per cent.

Customs.—C. 25 makes certain amendments to the Customs Act, some of which have been shown to be necessary by recent decisions of the courts in Canada and Newfoundland. In the case of a vessel registered in Newfoundland, territorial waters are to be deemed to extend for twelve miles from the shore, instead of three miles. S. 2 re-enacts s. 18 of the principal Act (C.S. 1916, Cap. 22) with a view to the more effective prevention of the breaking of bulk within territorial waters. S. 3, amending s. 119 of the principal Act, improves the provisions against suspicious hovering in territorial waters, and facilitates the inspection of suspected vessels by customs officers. S. 5 consolidates and makes some slight alterations in the definition of " value " for duty purposes, and the means of ascertaining the same.

It may be noted that in adopting the provision for the extension of territorial waters to twelve miles, Newfoundland followed recent Canadian legislation. It is learnt that the validity of this legislation has since been successfully challenged in the Supreme Court of Canada, and that the matter is under appeal to His Majesty in Privy Council.

12. BERMUDA.

Supreme Court.—Act No. 1, amending s. 11 of the Supreme Court Act, 1905, extends the jurisdiction of the court to persons who have not been found lunatic by inquisition but who by reason of mental infirmity arising from disease or age are incapable of managing their affairs.

Sale of Poisons.—Act No. 3 prohibits the sale of poisons by unlicensed persons, with the exception of registered medical practitioners or medical officers of H.M. Forces. The Act also prescribes the method of keeping poisons for their better security and with a view to their being easily distinguishable from other articles. All particulars of sales of poisons must be entered in an approved book and signed by the vendor and purchaser before delivery to the purchaser.

Firearms.—Act No. 4 prohibits the purchase, import, possession, use or the carrying of any firearm without a licence, and also provides for the registration of firearm dealers.

Audit.—Act No. 7 consolidates the Acts relating to the audit of public accounts.

Escheat.—Act No. 13 amends the Appropriation of Escheats Act, 1870, to include in casual revenue personal property devolving on the Crown through the death of any person wholly or partially intestate and without next of kin.

Board of Trade.—Act No. 14 consolidates and amends the Acts relating to the Bermuda Board of Trade. The Board shall consist of not less than seven nor more than eleven members, and shall have the administration and control of pilots and pilotage, channels, signal stations

and signalling, fisheries, including the aquarium, steamboats, engines and boilers, ferries, dangerous commodities, and any other subject or matter put under the control of the Board by any Act.

Poor Relief.—Act No. 17 consolidates and amends the Acts relating to poor relief.

Agriculture.—Act No. 22, consolidating and amending the Acts relating to agriculture, constitutes a Board of Agriculture to consist of not more than nine members, of whom not less than four shall, so far as practicable, be planters. The duty of the Board is to promote the practice and study of agriculture by the introduction and improvement of economic and ornamental plants, the improvement of livestock, the prevention and control of animal and plant diseases, and the improvement of marketing conditions by the diffusion of information connected with these and kindred subjects. The Act also provides for the registration of veterinary surgeons.

Merchant Shipping.—Act No. 25 consolidates and amends the Acts relating to merchant ships and seamen, and adopts certain portions of the Imperial Mercantile Shipping Acts with respect to ships registered or being in the Islands.

Treasury Payments.—The Acts relating to Treasury payments are consolidated and amended by Act No. 26.

Summary Jurisdiction.—Act No. 28 consolidates and amends the Acts relating to the summary jurisdiction of justices of the peace in criminal cases.

Married Women's Conveyancing.—Act No. 30 provides that a husband may convey any land in these Islands to his wife without the intervention of a trustee, and validates any such conveyances that have been so made.

Colonial Loan.—Act No. 32 defines the terms and conditions applicable to loans to be raised on the authority of the Legislature of these Islands.

Patents, Designs and Trade Marks.—Act No. 33, consolidating and amending the Acts dealing with the registration of patents, designs and trade-marks, also provides for the registration in the Colony of designs and trade-marks registered in the United Kingdom.

Customs Tariff.—Act No. 35 amends the Customs Tariff so as to provide for an increased British preference in recognition of the benefit to be derived by the agricultural industry of Bermuda from the increased British preference recently made effective by the Dominion of Canada.

Public Health.—The Public Health Acts are consolidated and amended by Act No. 43. The Act sets out the constitution and duties of the administrative authorities, and deals with household sanitation, method of dealing with flies and mosquitoes, nuisances, notification and measures to prevent the spread of infectious diseases, the establishment of isolation hospitals, burials and disposal of infectious corpses, ship quarantine, vaccination, and registration and training of midwives. It also provides for the licensing of hotels and public lodging-houses.

Banks.—Act No. 45 provides, in the public interest, that no bank or agency of a bank shall be established in these Islands except in accordance with the provisions of an Act of the Legislature imposing conditions and restrictions under which a banking business may be carried on. The penalty for a breach of the provisions of the Act is £200 and/or imprisonment for one year.

Hotelkeepers' Protection.—By Act No. 50 an hotelkeeper is neither

bound nor required to register a person as a guest in his hotel unless he sees fit so to do, and may refuse to admit any person on the hotel premises. Any person who has been refused permission to be registered as a guest and refuses to leave the premises when asked so to do, or any person who, having been refused admission, attempts to enter the hotel, is guilty of an offence and may be expelled from such premises by the hotelkeeper or his servant, who may use such force as may be reasonably required for such purpose. It is the duty of any member of the police force to assist the hotelkeeper or his servant on request.

Statute Law Revision.—Act No. 51 provides for the compilation of the Statute Law, including the Acts passed in the present Session.

Currency Notes.—Act No. 52 reorganizes the currency arrangements of the Colony on a sterling exchange standard.

Public Carriages.—Act No. 53 provides for the licensing and registration of public carriages and drivers, and specifies the fares to be charged for their hire.

Friendly Societies.—No. 58 provides for the security of funds of friendly societies.

Companies.—Act No. 61 makes provision for a British corporation to hold a mortgage in these Islands.

Public Works.—The Acts relating to the Public Works Department are consolidated and amended by Act No. 62. The Board of Public Works consists of a chairman and nine other members, one of whom shall be appointed from each parish ; the Board has the charge and management of public works ; public and historic buildings ; lighthouses and highways ; the administration of all appropriation for the erection, construction, improvement, maintenance and repair thereof ; of marsh reclamation and draining ; of channel improvement and dredging ; and of all land of the Crown or the Government, or purchased or maintained at the public expense.

III. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* Sir Robert Garran, K.C.M.G.]

Acts passed—78.

A considerable proportion of the legislation passed in 1930 dealt with matters of finance, and much of it was introduced with a view to balancing the Budget and correcting the trade balance. A new development in the field of taxation was the introduction of the Sales Tax. Owing to the requirements of the Commonwealth Constitution, it was considered advisable to split up this legislation into nine Assessment Acts and nine corresponding "taxing" Acts. Income-tax rates were increased, and resolutions were introduced to increase customs duties in the case of luxuries and certain other items, and to impose primage duties. The Conciliation and Arbitration Act was amended once more, and many of the amendments made by the Parliament in 1928 were repealed. The provisions relating to strikes and lock-outs were also repealed, and the provisions relating to conciliation committees were considerably extended. Some amending legislation was passed in regard to bounties and the marketing of primary products.

Acts Interpretation.—By the Acts Interpretation Act (No. 23) it is provided that every Act, whether passed before or after the commencement of that Act, shall be read and construed subject to the Constitution, to the intent that where any enactment thereof would otherwise have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent that it is not in excess of the power. The Act also contains new provisions in regard to the administration of Acts and the time within which regulations made under Acts must be laid before Parliament. "Territory of the Commonwealth" is defined to include a territory governed under a Mandate, and the application of the definitions contained in the Act is extended to instruments issued under Commonwealth Acts.

Bankruptcy.—The Bankruptcy Act (No. 17) provides for the constitution of a Federal Court of Bankruptcy in addition to the State courts invested with bankruptcy jurisdiction. The Act also includes a provision under which the court may dismiss a bankruptcy petition founded on the execution of a deed of arrangement if it appears to the court that it will be for the advantage of the creditors that the estate should be administered under the deed of arrangement.

Bounties.—Several Acts dealing with the payment of bounties were passed. The Wine Export Bounty (No. 10) repeals the Wine Export Bounty Act, 1924–1928, and enacts new provisions. Under the Act a bounty of 1*s.* 9*d.* per gallon is payable on the export of fortified wine of good quality where the Minister is satisfied that reasonable prices have been paid to the grower of the grapes and the distiller of the fortifying spirit used in the production of the wine. The payment of the bounty is restricted to the product of areas planted on or before March 31, 1928, and certain irrigation areas planted with the assistance of a State Government.

The Cotton Industries Bounty Act (No. 13) repeals the Cotton Bounty Act, 1926, and enacts new provisions under which bounty (not exceeding £260,000 per annum) is payable on seed cotton and cotton yarn grown or manufactured in Australia on or before September 30, 1936. The rates of bounty, which are set out in the Schedule, vary according to the grade or count of the seed or yarn, and the rate fixed gradually diminishes in each year after the first year. The bounty on cotton is restricted to cotton yarn of good quality manufactured exclusively from cotton grown in Australia, and is not payable to persons who commenced to manufacture after the date of commencement of the Act unless the approval of the Minister was obtained before manufacturing was commenced. The bounty may be withheld if the Minister considers that the selling prices of lint or cotton yarn are not reasonable, and the whole or portion of the bounty on cotton yarn may be withheld if the payment of the bounty would cause the net profits of the claimant to exceed 10 per cent. on the capital employed.

The Flax and Linseed Bounties Act (No. 45) provides for the payment of a bounty on the production of flax and linseed of good and merchantable quality, where the Minister is satisfied that the grower of the flax has received or will receive a reasonable price for his product. The rate of bounty is 15 per cent. of the value of the flax or linseed in the first year, 10 per cent. in the second year and 7½ per cent. in the third year. The whole or portion of the bounty may be withheld where the Minister considers that the flax or linseed is not being sold at a reasonable

price, or where the payment of the bounty would cause the net profit on the capital employed to exceed 10 per cent.

The Gold Bounty Act (No. 75) provides for the payment, during a period of ten years, of a bounty on gold on the basis of £1 per ounce, for each ounce of gold produced in any year in excess of the average annual production during the years 1928, 1929 and 1930.

Development and Migration.—The Development and Migration Act (No. 11) repeals those sections of the Development and Migration Act, 1926, which provide for the establishment of the Development and Migration Commission, and approves certain Agreements made between the Commonwealth and the members of that Commission.

Financial Assistance to States.—The Western Australian Agreement (Wiluna Gold Mines) Act ratifies an agreement between the Commonwealth and the State of Western Australia whereby the Commonwealth agrees to indemnify the State against loss in respect of guarantees given by the State in connexion with a loan of £300,000 raised by the Wiluna Gold Mines Ltd. It is provided that any moneys received by the State under the Agreement are to be received as financial assistance in recognition of the special disabilities suffered by the State under Federation.

The South Australia Grant Act (No. 57) provides for the grant of £850,000 to the State of South Australia.

Forestry.—The Forestry Bureau Act (No. 16) provides for the establishment of a Forestry Bureau and the appointment of an Inspector-General of Forests.

Industrial Disputes.—The Commonwealth Conciliation and Arbitration Act (No. 43) makes a number of important amendments to the principal Act. The provisions relating to strikes and lock-outs are repealed, and many provisions imposing penalties are repealed or amended. In the section setting out the objects of the Act the words " To promote goodwill in industry by conciliation and arbitration " are substituted for the words " To prevent lock-outs and strikes in relation to industrial disputes." The provisions relating to conciliation commissioners are repealed, and new provisions are inserted. Subject to certain exceptions, the Act confers on conciliation commissioners all the powers of the court or a judge, and provides that any award or order made by a conciliation commissioner shall be treated as an award or order of the court. S. 25D of the principal Act, which directs that the court shall, before making an award or certifying an agreement, take into consideration the probable economic effect thereof, is repealed. The section restricting the representation of parties by counsel is amended, and counsel cannot now appear before the court, except by leave of the court and consent of all the parties. New sections are substituted for the sections relating to conciliation committees. Provision is made for the reference of any dispute to a conciliation committee, and s. 33 directs that, upon the appointment of a conciliation committee, the dispute shall not be dealt with by the court or a judge. Conciliation committees are to be appointed by the Governor-General, one-half of the members being representative of employers and the other half representative of employees. A conciliation commissioner is to be appointed to act as chairman of the committee, but is not to take part in the deliberations of the committee unless he is informed that the representatives appear unlikely in his absence to come to an agreement. After this stage is reached, the chairman presides at all meetings, and, if no agreement is reached, he

may make an award in settlement of the disputes.[1] Ss. 47 and 48 of the principal Act, which relate respectively to process against the property of organizations and the power of the court to make orders to compel compliance with awards, are repealed. So also is s. 50, which imposes certain disabilities upon persons guilty of a contravention of Part II (strikes and lock-outs) or of wilful non-compliance with an award or order. Ss. 56A, 56B, 56C, 56E and 56F, which provide for the holding of secret ballots by organizations, are also repealed, though the court still has power under s. 56D to order a secret ballot to be taken. New s. 58BA makes it an offence for an officer of an organization during the currency of an award to advise, encourage or incite any member of the organization to refrain from accepting employment, or offering for work, or working, in accordance with the award. New s. 61 authorizes a member of an organization to resign from the organization upon accepting employment in another industry, or upon giving three months' notice and paying all dues to the date of his resignation. In addition to the sections mentioned above, the following sections are repealed: ss. 62–64, which empower the Governor-General to apply the Act to any association; ss. 70A and 70B, which provide for the expulsion or suspension of members from organizations for breaches of the Act, or of an award; s. 86A, which imposes penalties for boycotting persons, goods or premises, or preventing or endeavouring to prevent persons offering or accepting employment in accordance with the terms of an award; and ss. 86C, 86D and 87, which relate to abusive resolutions, publication of incitements to breaches of the Act or of an award, and counselling or procuring offences.

Post Office.—The Post and Telegraph Rates Act (No. 20) enacts new scales of rates of postage. The rate for letters is increased from 1½*d.* per oz. to 2*d.* per oz.

National Debt. — The National Debt Sinking Fund Act (No. 72) authorizes certain reductions in sinking-fund payments. It is estimated that the payments under the Act as amended will enable the Post Office debt to be redeemed in thirty years, and the war and other debts in fifty years, as was contemplated when the original Act was passed.

Public Service. — The Commonwealth Public Service Act (No. 19) authorizes the appointment to the public service of officers of the permanent naval or military forces and graduates of the Naval College or the Military College who are in excess of the requirements of the naval or military forces. The Act also provides for the grant of leave of absence for a period not exceeding three years to officers whose services are lent to the League of Nations or the Government of the United Kingdom or of any British Dominion, Colony or Dependency.

The Superannuation Act (No. 22) makes various machinery amendments to the existing Act. It is provided that the actuary may recommend additional benefits if he finds that the fund is more than sufficient to provide for existing benefits. Pensions to orphans are increased from £13 to £26 per annum, and in certain cases provision is made for the refund of contributions paid by a contributor who dies before retirement. Provision is also made for a cash benefit of £5 per unit upon the death of a contributor. The Act provides that when the fund becomes liable, in the case of an aviator, on account of death or injury resulting from an

[1] Ss. 33 and 34 of the Act, which relate to conciliation committees, have been declared by the High Court to be invalid. See *Australian Railways Union* v. *Victorian Railways Commissioners and others*, 44 C.L.R. 319.

accident, the payments made are to be reimbursed to the fund out of the Consolidated Revenue Fund.

The Commonwealth Employees' Compensation Act (No. 24) substitutes new provisions for the Commonwealth Workmen's Compensation Act, 1912. Provision is made for the appointment of a Commissioner of Employees' Compensation, with power to determine all matters and questions arising under the Act or the regulations, including the question whether an employee is entitled to compensation, the existence and degree of incapacity for work, the permanence of the incapacity, the degree of diminution of earning capacity, and the existence and extent of dependency. In addition to providing for the payment of compensation for injuries caused by accidents arising out of and in the course of employment, the Act provides for compensation to employees who contract certain industrial diseases. The Act also authorizes the payment of necessary medical, surgical and hospital treatment up to the sum of £100. The principle of specifying certain amounts of compensation for specified injuries has now been adopted, and the maximum amount of compensation has been increased from £500 to £750. The operation of the Act may be extended, by regulation, to Commonwealth authorities.

The Income-tax (Salaries) Assessment Act and the Income-tax (Salaries) Act (Nos. 58 and 59) impose a special income-tax on the salaries of members of the Commonwealth Parliament and officers and employees of the Commonwealth or of an authority under the Commonwealth whose salaries exceed £725 per annum. The rate of tax ranges (approximately) from 10 to 15 per cent. according to the rate of salary, and the tax is to be deducted from the periodical payments of salaries.

Repatriation.—The Australian Soldiers' Repatriation Act (No. 75) enables returned soldiers to appeal from the decision of the Repatriation Commission where the Commission decides that incapacity exists but is too slight to warrant a pension assessment.

Seat of Government.—The Seat of Government (Administration) Act (No. 2) repeals the Seat of Government (Administration) Act, 1924–1929, under which the Federal Capital Commission was established and given wide powers in relation to the municipal government of the Federal Capital Territory. The liabilities of the Commission are assumed by the Commonwealth.

Solar Observatory.—The Solar Observatory Fund Act (No. 5) provides for the establishment and control of the Commonwealth Solar Observatory Foundation and Endowment Fund.

Taxation.—The Land Tax Assessment Act (No. 1) removes golf courses from the list of exempt land, and adds new provisions in relation to leases, including leases from the Crown which are subject to liability to resumption. The Land Tax Assessment Act (No. 2) (Act No. 8) amends the definition of " improvements " to include the destruction of vegetable growths and animal pests to the extent to which such destruction retains its utility.

The Sales Tax Acts (Nos. 25–42 and Nos. 62–71) provide for the imposition and collection of sales tax. The legislation is administered by the Commissioner of Taxation, and the provisions relating to administration are similar to those contained in the Income-tax Assessment Act. The provisions of that Act relating to appeals to the Board of Review from decisions of the Commissioner have also been inserted. Under the Acts manufacturers and wholesale merchants are required to become regis-

tered and to give security for compliance with the conditions contained in the certificates of registration which are issued to them. A registered person is required to " quote his certificate " in such manner and under such circumstances as are prescribed, and tax is not payable in respect of sales to a person who quotes his certificate. Tax is imposed, however, upon the sale value of goods sold by a tax-payer to an unregistered person or to a registered person who has not quoted his certificate, and upon the sale value of goods treated by a registered person as stock for sale by retail or applied to his own use. In the last two cases the sale value of the goods is the amount which would be the fair market value of the goods if sold by wholesale. Tax-payers are required to furnish monthly returns and to pay tax within twenty-one days after the close of each month. Various classes of goods are exempt from tax, *e.g.* primary products and certain goods used in the marketing of primary products ; foodstuffs such as bacon and ham, bread, cream, flour, etc. ; and goods which are subject to duties of customs or excise, such as beer, tobacco and petrol. The Acts also exempt goods sold by persons whose annual sales do not exceed a certain specified amount. The provisions relating to the collection and recovery of tax, taxation prosecutions, companies, agents and trustees are similar to those contained in the Income-tax Assessment Act. Under Sales Tax Act (No. 5) tax is payable by an unregistered person who imports goods, the sale value for the purpose of assessment of tax being an amount which exceeds by 20 per cent. the sum of the value for duty of the goods and the duty payable in respect of them. Under Sales Tax Act (No. 9) tax is payable on the sale value, as determined by the Commissioner, of goods leased. The rate of tax fixed by the various " taxing " Acts is 2½ per cent. of the sale value of the goods sold or leased. Provision may be made under the regulations to obviate double taxation of the sale value of any goods.

The Income-Tax Assessment Act (No. 50) provides for the taxation of income earned abroad, the correction of certain anomalies and the prevention of tax evasion in certain cases. The definition of " assessable income " is amended to include, in the case of a resident, the gross income derived from all sources, whether in Australia or elsewhere, which is not exempt from tax. A new definition is substituted for the definition of " absentee " and a definition of " resident " is inserted. Special provision is made in regard to Australian shareholders of companies which derive income from sources outside Australia. The list of exemptions from tax has been extended to include the incomes of certain members of the staffs of foreign consuls and trade commissioners, and those of certain visitors from other countries. The " averaging provisions " have been amended to meet the case of a tax-payer who disposes of assets which yield taxable income and acquires in their stead assets which yield exempt income. The provisions relating to co-operative companies are extended to include certain companies which have acquired assets from the Government of the Commonwealth or a State, and certain co-operative building societies. It is provided, however, that merchants cannot claim exemption from tax on profits earned as the result of their membership of merchants' buying associations. With the object of preventing tax evasion, new provisions have been inserted in regard to private companies which, in the opinion of the Commissioner, have been formed for the purpose of relieving the persons forming the company from liability for taxation. Provisions of a similar nature are inserted in regard to

"family partnerships." Provisions are inserted in regard to the tax payable on income derived from film businesses controlled abroad, and income derived by absentees from insurance premiums paid by persons in Australia. S. 21 (taxation of company where distribution is not reasonable) is amended to provide for the case of an Australian company whose shares are owned, wholly or in part, by an ex-Australian company where the Commissioner is unable to obtain information regarding the shareholders of the latter company.

The Income-tax Assessment Act (No. 2) (Act No. 60) reduces the amount of the special deduction allowable (under s. 24) in the case of income derived from property, and alters the method of apportionment of the deductions where income is derived partly from property and partly from personal exertion.

The Income-tax Act (No. 2) (Act No. 61) imposes an additional tax at the rate of 7½ per cent. of the taxable income in the case of incomes derived from property, or from interest, dividends, rents or royalties, or from carrying on certain businesses where the income is in the nature of income from property.

Trade and Commerce.—The Commerce (Trade Description) Act (No. 15) assigns certain functions in regard to the administration of the Act to the Department of Markets, and extends the power to inspect goods in course of manufacture or preparation for export.

The Dried Fruits Export Control Act (No. 46) makes a slight alteration in the constitution of the Dried Fruits Control Board, and authorizes the application of the Dried Fruits Export Fund in making experiments for the purpose of improving the quality of dried fruits and in carrying out arrangements made with other authorities constituted to control the sale of Australian products. Amending legislation of a similar nature in relation to canned fruits and wine is contained in the Canned Fruits Export Control Act (No. 47) and the Wine Overseas Marketing Act (No. 48).

Treaties.—The London Naval Treaty Act (No. 44) enables effect to be given to the Treaty for the Limitation and Reduction of Naval Armaments, which was signed in London on April 22, 1930.

Wheat Advances.—The Wheat Advances Act (No. 78) authorizes the Minister to arrange with the Commonwealth Bank or a prescribed authority for the payment of an advance to wheat growers at the rate of 3*s*. per bushel for fair average quality wheat and an amount to be determined by a prescribed authority in the case of wheat of lower quality.

1. NEW SOUTH WALES.

Bush Fires.—By Act No. 14 the Governor in Council may make regulations prohibiting burning off during specified periods and also regulations concerning the use of phosphorous baits and precautions to be taken by persons driving or controlling engines burning fuel (including engines used on rail or tram lines). The sale, distribution, or use of wax matches is prohibited except in areas exempted by proclamation. Powers of local authorities are enlarged to enable them to take measures for prevention of fire and for dealing with outbreaks. Persons violating the Act are subject to penalties up to £50.

Conveyancing.—Act No. 44 is designed to improve the existing law by making alterations shown by practice to be desirable, and by incorpora-

ting certain provisions of the English Law of Property Act, 1925, and other recent Acts.

Crown Lands.—The main objects of Act No. 4 are to provide for: (*a*) conversion of homestead selections, homestead farms, and Crown leases in their entirety, irrespective of home maintenance limitations; (*b*) non-convertible conditional leases, embracing lands formerly comprised in homestead selections, homestead farms and Crown leases to be declared convertible, and non-convertible conditional leases embracing land formerly comprised in settlement leases to be declared convertible up to a home-maintenance area, and in certain events such non-convertible conditional leases to be declared wholly convertible.

Dairies Supervision.—Act No. 36 transfers the control of dairying inspection from the Department of Health to the Department of Agriculture.

Family Endowment.—Act No. 11 is designed to place beyond all doubt the liability of certain enterprises to pay family endowment taxation of the rate of 2 per cent. under the principal Act up to December 20, 1929.

Act No. 10 is supplementary to the Family Endowment (Amendment) Act, and provides for the levying of taxation at prescribed rates. The rate from December 31, 1929, will be 1 per cent.

Government Insurance.—Act No. 30, *inter alia*, sets up an account in the Treasury, to be known as the Treasury Fire Risks Account, for the transference of a sum that has accumulated for the purpose of providing against the risk of fire in public buildings. The funds may be used, at the discretion of the Colonial Treasurer, for replacement or repairs to government property lost or damaged by fire or lightning.

Government Railways.—The main object of Act No. 39 is to place the Railway Commissioners in a better position to secure transport business, and to meet competition of motor traffic. The Commissioners are empowered to construct, hire, purchase or otherwise acquire motor vehicles to convey goods, livestock, etc. They may collect parcels and passengers' luggage, livestock, etc., elsewhere than at fixed points such as stations and goods yards. Provision is made also for carriage of goods to be paid for on delivery. The Commissioners are further empowered to meet motor competition for back loading by quoting special rates on the spot. Other features of the measure relate to finance, and to amendments of law dictated by experience.

Government Relief Administration.—Act No. 24 is designed to regulate and co-ordinate certain charitable and benevolent activities of the Government and to provide for the appointment of a Director of Government Relief.

Industrial Arbitration (Eight Hours).—Act No. 22 restores the 48-hour week (with certain exceptions prescribed in varying awards) as the standard working week. The 44-hour week may continue to be worked with a proportionate reduction in wage rates. The effect of the changed law may be expressed by the Industrial Registrar on the application of an employer, just as the effect of a variation in living wage may be expressed by that officer on application either of an employer or an employee. An employer may require any employee to stand off from work for such time as will result in an extension of the period of employment of all the employees, or of any proportion thereof. The Industrial Commission and Conciliation Committees may consider the economic

consequences of awards in relation to the community in general, and may also give consideration to the probable economic effect of an award upon any industry. The Industrial Commission and Conciliation Committees may make provisions in awards for piece work or payment by results.

A further amendment (Act No. 53) restores the 44-hour week, and abolishes the rationing of employment except in the case of the Crown.

Landlord and Tenant (Distress Abolition).—Act No. 49 takes away from a landlord the right to distrain for rent. Rent may be recovered as a debt in a court of competent jurisdiction.

Moratorium.—Act No. 48 makes provision for a moratorium. It restricts temporarily certain rights of mortgagees and vendors. S. 4 lays down that the rights of a mortgagee cannot be exercised without leave of court. The Act does not bind the Crown, nor apply to certain fluctuating advances such as bank overdrafts over £3,000.

Opticians.—Act No. 20 provides for the constitution of a Board of Optometrical Registration to be made responsible for the registration of optometrists, and the regulation of the profession. It follows on the lines of similar legislation regulating other professions.

Parliamentary Allowances and Salaries.—Act No. 8 reduces allowances to members of Parliament and salaries of Ministers of Crown and certain other persons.

Prevention and Relief of Unemployment.—Act No. 34 provides for the establishment of a Council for the prevention and relief of unemployment, and for the machinery under which provision may be made for levying a special tax for the purpose of setting up an Unemployment Relief Fund.

An amending Act (No. 50) reconstitutes the Council for the prevention and relief of unemployment by reducing the number of members from eight to three. It raises the exemption in the case of wages to £2 a week and in the case of income to £100 a year.

Prickly Pear.—Act No. 13 extends the powers of the Prickly Pear Destruction Commissioner in relation to the classification of pear-infested land, and gives wider powers to the Crown in the disposal of pear-infested land.

Public Service (Salaries Reduction).—Act No. 21 provides for the reduction in salaries of certain public servants, of certain other employees of the Crown, of officers and other employees of public authorities and corporate bodies, for a definite period of twelve months. Exceptions are the Governor of the State or his private secretary, also persons with the status of judge. Additional exceptions are those whose hours of work have been increased from 44 to 48, and those who have by agreement with the Crown accepted a reduction in salary of one-twelfth. A general reduction of one-twelfth applies to all other employees of the Crown, whether working under the provisions of awards or appointments by statute.

Reclamation.—Act No. 36 provides for the constitution of a Reclamation Trust to deal with the reclamation of swamp lands. The Trust may borrow money for its purposes, under certain conditions, and will have specified lands vested in it. Agreements with local governing bodies may be entered into, and other powers are conferred on the Trust for purposes of its work.

State Lotteries.—Act No. 51 makes provision for the promotion and conduct of State lotteries.

Superannuation. — Act No. 31, *inter alia*, declares that, from the commencement of the financial year, the Crown will meet its share of current pensions, and pensions to be granted, as they accrue, in lieu of the existing system. It also provides that certain employees over 50 years of age may, on application, be relieved from contributions to the Superannuation Fund.

Transport.—Act No. 18 provides for more effective regulation and control of tramway and omnibus transport in certain areas, and such other districts as may be proclaimed, by creation of Transport Trusts. A Commissioner of Road Transport will be charged with the administration of the Act, and will be Chairman of the Transport Trusts and Permanent Head to the Minister.

Unemployment Relief Tax. — Act No. 25 is complementary to the Prevention and Relief of Unemployment Act, and imposes a levy of 3*d.* in the £ on all incomes, including incomes from companies and employers.

An amending Act (No. 52) raises the rate from 3*d.* to 1*s.* in the £.

Water.—Act No. 15, *inter alia*, defines more clearly the rights of riparian occupiers of land to take and use water, and makes better provision for the control of rivers and lakes.

Winning Bets Taxation.—Act No. 46 levies a tax of 1*s.* in each 10*s.* of the amount of winning bets.

Act No. 47 provides for the collection of the above-mentioned tax. Bookmakers may deduct the tax from the moneys payable to backers.

2. QUEENSLAND.

[*Contributed by* J. E. BROADBENT, ESQ., *Parliamentary Draftsman.*]

During the Parliamentary Session of 1930, 53 measures were placed on the Statute Book. The provisions of the more important Acts are as hereunder set forth:

Native Plants Protection.—No. 41 endeavours to protect from wholesale and wanton destruction the native flora of the State. Any person who during a protected period shall pick a protected native plant growing on Crown land or on a State forest or national park, or on any public park or road, or on private land (without the owner's consent), shall be guilty of an offence. Selling or offering for sale a protected native plant during the protected period also constitutes an offence. Licences, however, may be granted for scientific purposes.

Diseases in Stock.—Power is given by No. 35 to deal with a menace caused by wild horses and "brumbies."

General amendments (No. 22) are made in the Primary Producers' Organization and Marketing Acts, and kindred Acts, in regard to levies and polls.

Income (Unemployment Relief) Tax.—No. 1 is to cope with the unemployment problem. A tax of 3*d.* in the £ is levied on incomes from employment, and on incomes other than incomes from employment. Such tax is paid into an Unemployment Relief Fund which is utilized for the purposes of relieving unemployment.[1]

Bureau of Economics and Statistics.—A Bureau of Economics and Statistics is created by No. 15, with certain powers, duties and authorities. Its powers are to acquire and disseminate knowledge concerning the economic conditions of the State, including the income, production and industrial

[1] The tax was increased to 6*d.* in the £ by the 1931 Amending Act.

efficiency of the community and the collection of statistical information. The bureau also assists the Arbitration Court in regard to the furnishing of statistical and economic information thereto.

Industrial Conciliation and Arbitration.—No. 42 abolishes statutory preference, whether preference to employees being members of a union or preference to employees not being members of a union ; but preference to returned soldiers is preserved. A conciliation commissioner is granted power to make an award where the parties are unable to agree in cases where he is constituted a board.

Anzac Day.—Anzac Day is proclaimed by No. 14 as a sacred and close holiday. Places of amusement must be closed, but may be opened for the purposes of conducting sacred or memorial services, without charge.

An amendment (No. 31) of the Holidays Act eliminates what are known as the "saints' days" from the schedule of holidays, and also friendly societies' day.

Workers' Homes.—No. 16 enables a worker who has purchased a home from the State on perpetual lease conditions to obtain the freehold of the land under certain safeguards.

Inspection of Machinery.—By No. 6 motor mechanics' certificates may be issued.

Land Acts.—A Prickly Pear Land Act (No. 28) was passed for the purpose of securing the permanent settlement and development of lands formerly heavily infested with prickly pear which are being cleared of prickly pear by biological or other agencies.

Coroners.—No. 17 consolidates and amends the law relating to the holding of inquests of death and inquests concerning fires. An inquest concerning a death or a fire shall be held by a coroner sitting alone without a jury. Unless a view is ordered by the Minister, it is not necessary for the coroner to view the body unless he deems it advisable so to do. Coroners have generally the powers, authorities and jurisdiction of a police magistrate.

Art Union Regulation.—No. 11 makes better provision in relation to lotteries and art unions, raffles and drawings of a like nature. Permits are required to conduct the same, and permission is only granted where the purpose for which permission is required is in aid of (*a*) religious and charitable institutions, hospitals and ambulances ; (*b*) schools of art or libraries or educational institutions ; (*c*) returned sailors and/or soldiers' institutions ; (*d*) any institution or voluntary association for the encouragement of fine arts ; (*e*) any institution or association of like or similar objects as may be prescribed. Permission may also be given for the purpose of affording aid to persons in necessitous circumstances.

Legal Practitioners.—This Act (No. 46) makes provision for the establishment and administration of a legal practitioners' Fidelity Guarantee Fund, and for providing for the issue of annual practising certificates to solicitors, conveyancers and legal practitioners. The fund is in the nature of an insurance and may be applied for the purpose of reimbursing persons who may suffer pecuniary loss through stealing or fraudulent misappropriation by a practising practitioner or by his clerk or servant of money or other property entrusted to him. It is financed by means of levies on practitioners.

Local Government.—No. 45 amends the City of Brisbane Act by substituting the "occupiers' franchise" instead of adult franchise. The council consists of twenty aldermen, and provision is made for the

appointment of an executive which will be in the nature of a Cabinet but subject to the Council.

Abattoirs and Meat Industry.—No. 13 ratifies an agreement between the Premier on behalf of the Government of the State and Swift Australian Company, Ltd., relating to the purchase of abattoirs in the City of Brisbane. The measure also provides for the constitution of a Meat Industry Board having for its object the maintenance and control of the abattoirs.

Railways.—The Railway Superannuation Act (No. 12) provides a superannuation fund for the benefit of employees of the Commissioner of Railways. All employees, male or female, on the permanent staff are compulsory contributors. The rate is 5 per cent. on the earnings of a contributor. The minimum pension is £110 per annum and the maximum £200 per annum. A Board administers the fund.

Racing Regulation.—No. 27 restricts the racing days in the City of Brisbane. Proprietary racing in Queensland is abolished as from January 1, 1932, and unregistered racing is likewise abolished from the same date. Bookmakers may sue and be sued in respect of bets made on a racecourse. The minimum weight to be carried by any horse in any race on a racecourse shall not be less than seven stone. No racing club shall conduct race meetings on any Sunday, Good Friday, Christmas Day or on Anzac Day.

Purchasers of Homes Relief.—No. 33 provides relief to certain purchasers of homes detrimentally affected by conditions arising from unemployment. The Act was to remain in operation until December 31, 1931, but has been extended for another year. The Act only applies to a person who is a mortgagor at the passing of the Act and only where the contract price of the home does not exceed £1,250.

A mortgagor may apply to a police magistrate for an order. If the court approves it may grant relief, which may be in the nature of an extension of the period of repayments, the making of interest only payable for a period, the funding of arrears of instalments and relief as to specific conditions of the mortgage. The court may also refuse any such application.

State Housing Relief.—The principle of No. 30 is the same as the last Act, except that it applies to borrowers under the State Advances Act, the Discharged Soldiers Settlement Act and the Workers' Homes Act. Applications, instead of being made to the court, are made to the Minister.

Sea Carriage of Goods.—Act No. 18 relates to the sea carriage of goods from any port in the State of Queensland to any other port in the said State and is based on the Commonwealth legislation of 1924.

Navigation.—No. 21 provides for a method of regulation and control of motor-boats and motor-vessels within the jurisdiction, whether privately owned or plying for hire or reward. Regulations may provide for the inspection and survey, prescribe safety provisions, limitation of passengers and cargo to be carried and generally the conditions of registration.

Sundry provisions deal with safety provisions as to gangways, gangway lights and safety nets; and with the taking on board, carrying and landing or discharge of gunpowder and dangerous goods.

Mining.—New provisions in Act No. 32 deal with prospecting. Any person may apply to the Minister for an authority to prospect on any Crown lands, and the Minister may grant such authority. The area to be

held under such authority, the term, rent and conditions as to labour and otherwise shall be fixed by the Minister. On the discovery of gold or other minerals the holder of the authority shall report within fourteen days of the discovery to the nearest warden, who shall report to the Minister on the nature of the discovery. The Minister may thereupon call upon the holder of the authority to apply for a lease of the land or such part as he may deem advisable or to continue prospecting operations.

In respect of coal mining, provision is made for the constitution of a committee of management for the control and upkeep of rescue stations. Any such committee shall have power to sue and be sued, and the Minister may vest in the committee such rescue station and all equipment and apparatus used in connexion therewith.

Salaries.—No. 9 provides for the reduction of the salaries of certain officers of the Public Service. The reduction ranges from 10 to 15 per cent. Power is given to the Governor in Council in respect of the salary or salaries of any officer or class of officers or section of a class from time to time to increase or decrease, or amend, vary or modify the prescribed reductions. The reductions made to an officer shall not alter his seniority in the Public Service.

3. SOUTH AUSTRALIA.

[*Contributed by* E. L. Bean, Esq., M.A., LL.B., *Parliamentary Draftsman, South Australia.*]

During the year 1930 the Parliament of South Australia passed forty-seven Acts. Of these no fewer than twenty-five were temporary or annual Acts dealing with finance and taxation. Owing to the fall in the price of wheat and wool the Government found itself faced with a very heavy deficiency in revenue, and had to adopt numerous expedients to enable it to balance the Budget. Many salaries (including those of Ministers of the Crown) fixed by statute were reduced, statutory grants to local governing authorities and other bodies were either abolished or reduced, whilst various rates and taxes were increased. The preoccupation of Parliament with the financial situation left very little time to deal with other proposals for amendment of the law. Apart from the financial measures, the following are the more important of the Acts passed.

Debt Adjustment.—As has been previously explained, the Debt Adjustment Act of 1929 was an attempt to keep farmers out of the Bankruptcy Court. It enabled a farmer who was in debt to obtain a certificate from a government official protecting him against proceedings by his creditors which might lead to bankruptcy, and cast upon the government official the duty of endeavouring on behalf of that farmer to effect compromises and arrangements with his creditors. Under the original Act no certificate of protection could be granted after June 30, 1931. The amending Act (No. 1980) provides that certificates of protection can be granted up to June 30, 1932, and may remain in force unless previously cancelled until March 31, 1933. The farmers are thus given an extra year in which to endeavour to pay off or otherwise satisfy their creditors and to recover from the effects of the low prices for primary produce.

Road and Railway Transport.—The Road and Railway Transport Act (No. 1967) is an attempt to deal with the difficult problem of the competi-

tion between motor transport and the State railways. The Act provides for the appointment of a Transport Control Board consisting of three members. The Board has power to close unpayable lines of railway, and to restrict or prohibit the carriage of passengers or goods for hire by road motors on the public highways. The Board may declare any road to be a " controlled route," and when a " controlled route " is declared no person can operate motor vehicles for the carriage of passengers or goods for hire or reward on that route except under a licence from the Board and in accordance with the conditions laid down by the Board. The Act provides for compensating any carrier who, as a result of action taken by the Board, is deprived of his business as a carrier.

Unemployment Relief Council.—Prior to the enactment of this Act (No. 1965) the relief of destitute and necessitous persons by grants of food, clothing or money was in the hands of a Board known as the Children's Welfare and Public Relief Board constituted under the Maintenance Act of 1926. Until the advent of the economic depression the relief of destitution had been a simple matter, since the destitute were few. Recent economic circumstances, however, led to an enormous growth of unemployment, and it became necessary to establish new machinery to carry out the Government's policy of issuing " rations " of food and clothing to those persons whose destitution was due to unemployment. For this purpose the Unemployment Relief Council Act was passed establishing an Unemployment Relief Council and conferring upon it the twofold duty of controlling the issue of " rations " to persons whose poverty was due to unemployment, and of endeavouring to relieve the amount of unemployment by establishing relief works and otherwise assisting persons to obtain employment.

Public Safety Preservation.—Towards the end of the year 1930 a certain amount of rioting took place at Port Adelaide owing to disputes between union labourers and free labourers as to who were entitled to work on the wharves at loading and unloading ships. The situation became serious and the Government deemed it advisable to take additional powers in order to preserve law and order. For this purpose the Public Safety Preservation Act (No. 1951) was passed. The Act empowers the Governor to make regulations for a number of purposes, namely: (*a*) securing public safety and order; (*b*) conferring powers upon Ministers of the Crown for securing safety or order; (*c*) prohibiting and regulating the sale and disposal of alcoholic liquor; (*d*) empowering a Minister of the Crown to engage in any industry or business for the provision of goods or services to the exclusion of all other persons; (*e*) securing the essentials of life to the community; (*f*) securing and regulating the supply and distribution of food, water, fuel, etc.; (*g*) maintaining transport; (*h*) preventing interference with or intimidation, molestation or annoyance of any persons in or in relation to the lawful conduct of their affairs and preventing the exposure of persons to insult or disability in the lawful performance of their duties.

The Act is limited in its operation to a period of six months. During that period the Governor may, if it appears to him that any circumstances exist or are likely to come into existence whereby the public safety or order is or is likely to be imperilled, issue a " proclamation of emergency." The proclamation of emergency remains in force for one month in the first instance but can be extended from time to time if necessary. During the currency of the proclamation the Governor may

make regulations for the purposes mentioned, and the powers conferred on the executive by regulations may be exercised.

Hospitals.—This Act (No. 1957) was passed with the object of securing payment for the treatment afforded to patients in hospitals owned by the State. Prior to this Act the Government had no recourse against anybody for the cost of maintaining a patient in a government hospital, except in those rare cases where either the patient or some person on his behalf entered into an agreement to pay such cost. The Hospitals Act Amendment Act, 1930, however, declares that the cost of the maintenance of any person in a public hospital shall be a debt due to the Crown for which the following persons are jointly and severally liable: (*a*) the patient himself; (*b*) the husband or wife of the patient; (*c*) if the patient is under the age of twenty-one years his father or, if his father is dead, his mother; (*d*) any children of the patient who are over twenty-one years of age at the time the liability was incurred. The Inspector-General of Hospitals is given power on behalf of the Crown to sue for and recover any amounts due under the Act. Provisions for contribution as between persons jointly and severally liable are contained in the Act.

Sandalwood.—This Act (No. 1956) represents an interesting effort on the part of the Government to control the sandalwood industry. The sandalwood trade between Australia and China has been in existence for some years. The greater part of the sandalwood is taken from Crown lands in South and Western Australia, and in each State a royalty of about £9 per ton is paid by the cutters to the Crown. A small quantity of sandalwood is taken from private lands, and on this either no royalty or a smaller royalty is paid. The high royalties payable to the Crown and other costs in Australia have kept the price of sandalwood in China above £20 per ton. The Chinese, however, in 1929 ceased buying, hoping, doubtless, that Australian stocks would have to be liquidated at low prices, and it became clear that the current prices could not be maintained unless the sale of sandalwood taken from private lands without payment of government royalty could be controlled. The Governments of both South Australia and Western Australia had an interest in keeping up the price. The Government of Western Australia had guaranteed a sandalwood company's overdraft to a large amount, and South Australia had for some years derived a considerable annual revenue from royalties. These States accordingly came to an agreement between themselves whereby each State undertook to enact legislation restricting the amount of sandalwood which could be cut both from private lands and Crown lands over a period of years and also controlling the export of sandalwood. The Sandalwood Act accordingly provides that the Governor may by proclamation fix the maximum amount of sandalwood which can be cut, pulled or removed from any land in the State during any period. Any person who cuts sandalwood must be licensed and pay an appropriate fee. The licence must be obtained whether the sandalwood is taken from Crown lands or private lands. The Commissioner of Crown Lands has an absolute discretion to refuse any licence, and in granting licences he must insert such conditions as will ensure that the amount of sandalwood taken from private lands does not exceed one-tenth of the total amount taken from the whole State. The Act also provides that any person who buys sandalwood for resale or export must be registered as a dealer, and comply with all conditions as to export of sandalwood laid down by the Commissioner.

4. TASMANIA.

[*Contributed by* H. J. Solomon, Esq., B.A., LL.B.]

The session of 21 Geo. V. (1930) produced 73 Acts in all. Included in this number were 3 Acts for the relief of unemployment, 5 Acts dealing with electricity supply, 4 appropriation and supply Acts and 4 execution Acts, as well as 6 Acts dealing with taxation. Of the remaining Acts some of the more important are noted below:

Dairy Produce.—Act No. 66 contains provisions governing registration of dairy premises, testing of milk and cream, labelling of dairy produce, inspection of premises and enforcement of cleanliness.

Electoral.—Act No. 68 makes certain provisions in relation to compulsory enrolment and postal voting and contains a new list of electoral offences.

Impounding.—Act No. 34 is a consolidation of the existing law as regards impounding of animals. The duties, powers and remuneration of poundkeepers are exhaustively set out. No important alterations to the existing law are made by this Act. The most interesting portion of the Act is the fourth schedule, which sets out poundage fees, etc. Although this schedule contains nothing new, but has been in force for almost a century, a perusal of the fees reveals strange results—as that the driving fee for one pig is the same as for 700 rams.

Matrimonial Causes.—Act No. 70 gives power to the court to allow intervention by certain persons (including persons charged with adultery with a party to the suit) upon such terms as the court shall think fit. It also confers an additional power on the court to order and enforce payment of maintenance.

Meat Industry Encouragement.—Act No. 30 (amending the Meat Industry Encouragement Act, 1929) couples a wide power for the Board to borrow money with an optimistic clause empowering the Board to distribute profits by way of bonus.

Official Salaries Reduction.—Act No. 4 (amended by No. 20) provides for the deduction from all salaries paid by the Government of a percentage varying from 2½ per cent. on salaries between £60 and £300 to 10 per cent. on larger salaries.

Plant Diseases.—Act No. 24 empowers the Governor to prohibit by proclamation the introduction into Tasmania of any plant likely to introduce any bacterium disease fungus or insects. The export or internal handling of plants specified by proclamation may also be prohibited. "Infected areas" may also be proclaimed, the occupiers of which are subject to certain rigid restrictions which are merely hinted at in the Act, and otherwise left to be prescribed.

Potato Diseases.—Act No. 51 (besides supplying the definition "potato includes tomato, carrot, parsnip and turnip") provides for the payment of certain moneys to the Potato Marketing Board to be used for the purpose of dealing with the problem of marketing potatoes produced in this State.

Public Trust Office.—Act No. 61 repeals the Public Trust Acts of 1912 and 1919 and consolidates the law in relation to the Public Trust Office.

Seeds.—Act No. 67 provides for the testing of all seeds before sale and prohibits the sale of seeds containing more than a prescribed percentage of certain noxious weeds.

Transport.—Act No. 52 creates a Transport Committee consisting of the Commissioner for Railways, the Commissioner of Police, the Director of Public Works, a representative of the Municipal Association and one other member appointed by the Governor. This Act determines all applications for licences for public vehicles and determines the maximum and minimum fares which may be charged by owners of such vehicles. It also co-ordinates traffic signs throughout the State.

By s. 21 hire cars travelling on roads parallel to certain railways must pay a certain prescribed percentage of fares received to the Commissioner.

5. VICTORIA.

[*Contributed by* His Honour Judge Zichy-Woinarski, K.C., *and* S. H. Zichy-Woinarski, Esq., M.A., LL.B.]

Second Session of Thirtieth Parliament. Acts passed 96, most of which are of purely local interest. Some special interest is perhaps attachable to Act No. 3896, the Salvation Army (Victoria) Property Trust Act, which vests the property of the Salvation Army in Victoria in trustees incorporated under the name of the Salvation Army (Victoria) Property Trust and provides for the administration of the property by these trustees; to Act No. 3903, the Baptist Union Incorporation Act, which incorporates the Baptist Union of Victoria and vests certain property in the Union; and to Act No. 3915, the Lord Mayor's Fund Act, which incorporates the President and Council of the Lord Mayor's Fund for Metropolitan Hospitals and Charities, and provides, on lines similar to those of 7 Edw. VII, c. 70, for the management of the fund.

Totalizator.—Act No. 3861 legalizes the establishment and use of a totalizator on a racecourse and declares that any person who uses or conducts or assists in using or conducting a totalizator shall not be guilty of any offence whether at common law or under any enactment, and that the mere fact of persons wagering by means of a totalizator shall not constitute such wagering an offence whether at common law or under any enactment and shall not be a ground for such racecourse or any part thereof being deemed or declared to be a common gaming house or place (s. 6).

S. 3 authorizes the Governor in Council to direct that any racing club shall establish a totalizator on any racecourse (wholly within the metropolitan area as defined) on which it holds race meetings.

S. 4 provides for the granting by the Governor in Council, on the application of any racing club, of a permit authorizing such club to establish or use a totalizator and for such period and on such conditions as the Governor in Council thinks fit.

Every club using a totalizator is to deduct as commission out of the moneys paid into the totalizator in respect of each race or division of a race 10 per cent. of such moneys, and half of that amount it must, within fourteen days after the race meeting, pay to the Treasurer of Victoria, to be carried to and form part of the consolidated revenue, and the residue of the commission the club may retain towards defraying the cost of its installation, for the construction of necessary buildings, for its upkeep and working, for the maintenance of the racecourse and to provide prizes for horse racing, trotting racing, or pony racing (s. 8).

S. 9 appropriates annually out of the consolidated revenue for payment into the Hospitals and Charities Fund under the Hospitals and

Charities Act, 1928 (No. 3699), an amount equivalent to the sum of the amounts paid to the Treasurer of Victoria under s. 8, and it was this provision, and the necessity of helping charities and hospitals with money, that overcame the well-known, often stated and well-founded objections against the introduction of the totalizator.

S. 10 provides that the club using a totalizator shall pay by way of dividend all moneys (subject only to the 10 per cent. deduction) paid into the totalizator in respect of any race ; but it is not necessary to pay any fraction of a shilling unless the fraction amounts to or exceeds sixpence, in which case sixpence shall be paid ; and the amount of fractions of a shilling not paid by way of dividend are to be paid into a dividend adjustment fund ; and moneys unclaimed for one month are to be paid to the Treasurer of Victoria to be carried to the credit of a fund, the Totalizator Unclaimed Dividend Fund, with an ultimate reversion to the consolidated revenue.

The Act requires every club using a totalizator to establish a " dividend adjustment fund," and where, through error in calculation, the amount of any dividend in respect to any race is less or greater than the amount which should have been so declared, the difference shall in the first case be credited to and in the second case be debited against such fund. If the Auditor-General is of opinion that the error was occasioned by the negligence of an agent or servant of the club, any loss caused or contributed by such error is to be borne by the club. If at any time the amount credited to the fund is insufficient to meet any amount then debited against it, the club is to pay out of its revenue an amount sufficient to meet the amount so debited, with a right to recoup its revenues out of moneys otherwise subsequently credited to the fund. On December 31 of each year the balance (if any) to the credit of the fund reverts to the consolidated revenue (s. 11). Other provisions are made for forwarding to the Treasurer of Victoria a return of all moneys received through the totalizator ; for offences and for penalties ; for inspectors and for regulations to be made by the Governor in Council ; and the only ones specially noteworthy are the following :

(1) Any person under the age of 21 years who wagers by means of the totalizator is made liable to a penalty of not less than £1 or more than £20.

(2) Any person who for fee, commission, reward, share or interest of any kind receives from any other person any money for the purpose of placing, investing or depositing it in any totalizator is made liable to a penalty of not more than £100 and for a subsequent offence to imprisonment.

(3) Any officer, agent or servant of a club using a totalizator or any person employed in connexion with the totalizator who accepts or acts on any telegraphic, telephonic or radiographic request, instructions or directions relating to investments in such totalizator is made liable to a penalty of not less than £20 or more than £50.

(4) Any member, officer, agent or servant of a club using a totalizator or any person employed in connexion with the totalizator who receives or permits to be received any investment in any totalizator in respect of any race after the starting of such race is made liable to a penalty of not more than £50.

Wheat Advances Arrangements.—Act No. 3863 authorizes the Treasurer of Victoria, in order to enable cultivators of land to increase during the

year 1930 the areas of land usually sown by them with wheat or any other areas of land which they would otherwise be unable to sow, to arrange with any banks respecting advances to be made by any such bank to such cultivators respecting guarantees or indemnities by the said Treasurer against losses to such bank by reason of such advances, to an amount of £200,000.

Unemployment Relief.—No less than three Acts of this session deal with this subject-matter.

No. 3866 imposes an unemployment relief tax in the form of an Income-tax Act. Every person is liable to pay it whose taxable income is (*a*) derived or received from any source other than salary or wages and is not less than £52 and not more than £312; or (*b*) whether derived or received from salary or wages or any other source or all or some of them, is more than £312. A return has to be made by every person whose gross income amounted to £50 or upwards, but returns made under the Income-tax Act are to be available to enable assessments to be made under this Act. The proceeds of this relief tax are to be paid into the consolidated revenue and an equivalent amount is then to be paid out of such revenue into a fund that is created and kept in the Treasury, "the Unemployment Relief Fund," and which is to be available for providing work for relief of unemployment and for sustenance for persons out of employment. Conditions, too, are set forth subject to which unemployed persons will be employed or be entitled to receive sustenance, and a limit of twelve months' time is put to the operation of the Act.

Complementary to the above Act is a Stamp Duties Act No. 3868, and it imposes a stamp duty of one penny in the pound upon all receipts (required to be given) for salary or wages at the rate of from £1 to £6 per week, and the Comptroller of Stamps is required to pay all moneys so received by him into the consolidated revenue, and an amount equal thereto is to be paid out of such revenue to the credit of the Unemployment Relief Fund to be applied as moneys to the credit of that fund are applied.

Finally, there is an amending Act No. 3948. It increases the tax payable under No. 3866, as also the stamp duties payable under No. 3868, and it extends the duration of both Acts and makes a number of amendments in each. It provides that persons with taxable incomes from £52 to £312 who are not liable to unemployment stamp tax are to be liable to unemployment relief tax (s. 3).

It includes in taxable income the paid-up value of shares distributed out of profits other than capital accretions by a company by way of dividend or bonus (s. 4).

It exempts from unemployment relief tax all income derived or received from interest accruing to any person from any Victorian Government Three per cent. Stock.

It authorizes temporary advances from the public account pending the receipt of money from the tax and stamp duties and places a limitation on the monthly expenditure out of the fund (s. 5).

It requires, in the employment of unemployed persons on works, preference to be given to married persons or to persons on whose earnings other persons are ordinarily dependent for support.

S. 6 makes provision with respect to the settlement of unemployed persons on Crown land that may be available.

S. 9 deals with the appointment of a Board (Unemployment Relief Works Board) of six persons, two to be responsible Ministers of the Crown, one a representative of rural industries, one a representative of commerce, one a representative of employees and one a member of the Charities Board of Victoria. This Board is to consider and recommend methods for the prevention and relief of unemployment and make reports to the Governor in Council on the activities of the Board or on any question relating to the prevention or relief of unemployment referred to it by the Governor in Council.

The daily rates of pay of, and the work allotted to, persons employed on any works for the relief of unemployment is in all cases to be as recommended by the Board, but is not to be greater than (*a*) in the case of work outside the metropolis, the lowest monetary equivalent of the index figure published by the Commonwealth statistician relating to the cost of living and representing the weighted average for four towns in Victoria in respect of the quarter ended September 30, 1930 (*i.e.* basic wage) ; (*b*) in the case of work inside the metropolis the lowest monetary equivalent of the index figure published by the Commonwealth statistician relating to the cost of living and representing the weighted average for the capital city in Victoria in respect of the quarter ended September 30, 1930 (*i.e.* basic wage).

S. 11 empowers the Governor in Council by order to authorize the Minister to arrange for the use and occupation of camps on suitable lands for unmarried unemployed, and for the appointment of overseers and officers and for the making of regulations in relation to cleanliness and sanitation, maintenance of order and discipline, medical inspection, etc.

S. 18 forbids discrimination against Commonwealth officers with respect to the unemployment relief tax or the stamp duty.

Stamps (Bookmakers' Licences).—Act No. 3878 extends the interpretation of "bookmaker" to allow of a substitute licence or permit being granted to a person nominated by a bookmaker who is unable to act owing to illness and imposes a stamp duty on such substitute licence or permit (ss. 2 and 3).

The Comptroller of Stamps is empowered, in certain circumstances if he is satisfied that the holder of any licence or permit to carry on the business of a bookmaker is not a fit and proper person, to refuse to denote the stamp duty or to revoke a licence or permit, and the Act confers also a right of appeal against any such refusal or revocation within a period of three months to a police magistrate, whose decision is made final. This right given to the Comptroller of Stamps is in aid of and not in derogation from the power of any racing club to revoke a licence (s. 4).

In addition to the duty of a bookmaker to produce to the chairman or secretary of the racing club or to the police on a racecourse his licence or permit, provision is made in s. 5 for the production also on demand by the Comptroller of Stamps or by any officer authorized in writing by him.

Cattle Compensation.—Act No. 3880 amends the principal Act. It adds to the definition of "market value," viz. "the value of such cattle calculated as upon a sale with delivery on the place where the cattle are when ordered to be destroyed," the words "and as if the cattle were free from disease within the meaning of the Cattle Compensation Act"—which will prevent cattle being assessed for compensation purposes at only "hide value" (s. 2).

It decreases the percentage of compensation payable by the Treasurer

of Victoria to owners of cattle ordered to be destroyed owing to tuberculosis and actinomycosis from 40 per cent. to 20 per cent., and it decreases the amount of compensation where, upon destruction, cattle are found to be diseased, from seven-eighths of the market value to three-quarters of the market value (ss. 3 and 4).

It requires statements relating to the sale of cattle to be transmitted to the purchaser by post, and it puts a time limit of three years upon prosecutions for offences against the Act (ss. 5 and 6).

Treasury Overdrafts.—Act No. 3883 authorizes the Treasurer of Victoria on behalf of the Government of Victoria, in order to meet the ordinary expenditure of the State which is authorized by any Act of Parliament to be paid out of the consolidated revenue, to obtain temporary advances in Victoria or elsewhere and whether by way of overdraft or otherwise during any financial year pending the receipt of revenue in respect of that year.

S. 2 empowers the Governor in Council to authorize the Treasurer, on such terms as it thinks fit, to make such arrangements to an extent not exceeding the amount by which the receipts of revenue are for the time being insufficient to provide moneys out of the consolidated revenue and at such rates of interest as it fixes.

By s. 3, the interest on every temporary advance is made chargeable upon the consolidated revenue.

By s. 4, the moneys so raised by temporary advances are to be issued and applied solely for the purposes for which the consolidated revenue has been authorized to be issued and applied.

By s. 5, every temporary advance, together with the interest thereon, is to be repaid during the financial year for the services of which it was obtained out of moneys received into the consolidated revenue during such year as soon as may be after the moneys are so received and the repayment is guaranteed by the Government.

Births Notification.—Act No. 3888 adds a requirement to the existing law relating to the registration of births and is applicable only to municipal districts in which there is for the time being an infant welfare centre under the control of and subsidized by such districts and approved by the Minister of Public Health. It defines infant welfare centre as an institution, establishment or place where or in connexion with which parents or guardians of infants may receive expert advice relating to the preservation of the health of infants but at or in connexion with which infants are not received as inmates and from or in connexion with which infants are not boarded out.

By ss. 3 and 4, in the case of every birth of a child in any such municipal district, whether the child is born alive or dead and whether prematurely or at full time, a duty is put upon (*a*) the midwife or (if no midwife is engaged) on any other person in attendance on the mother at the time of or within twenty-four hours after the birth; (*b*) (where no midwife or other person is in attendance as aforesaid) the father of the child if he is actually residing in the house when the birth takes place; or (*c*) (where the father is not residing in the house) on the occupier of such house; or (*d*) (where the birth occurs in any public or private hospital or other public or private institution) on the matron or other person in charge, to give notice in a prescribed form to the municipal clerk of the municipality in which the mother resides. It becomes the duty of the municipal clerk to send forthwith such notice

or a copy thereof to the nurse whose duty it is to visit the house. Thus does this Act seek further to improve in this State the infant mortality rate, which during last year was 4·72 per 100 births.

Finance.—Act No. 3889 deals with income-tax, land-tax, duties on deceased persons' estates, entertainment tax and tax on betting tickets; it declares and increases the rates of income-tax and land-tax and adds a super-tax also of 5 per cent.; it provides for additional duties on the estates of deceased persons in respect of the period beginning October 3, 1930, and ending December 31, 1931, and it increases the entertainments tax and stamp duties on bookmakers' licences or permits and on betting tickets.

The condition of the financial stringency that prevails is also seen in other Acts, not specially noted, which provide for the transfer of moneys in certain funds under certain Acts to the consolidated revenue.

Business Agents.—Act No. 3897 contains provisions for the licensing of business agents and their sub-agents and for other purposes. Business agent is defined to mean " any person (whether or not he carries on any other business) who exercises or carries on or advertises or notifies or states that he exercises or carries on or that he is willing to exercise or carry on in Victoria or in any way holds himself out to the public as ready to undertake any of the following functions, namely: (i) selling buying or exchanging or otherwise dealing with or disposing of; or (ii) negotiating for the sale purchase or exchange or any other dealing with or disposition of hotel businesses boarding-house businesses store-keeping businesses manufacturing businesses or any trading businesses whatsoever or any share or interest in or concerning or the good-will of or any stocks connected with any of such businesses on behalf of any other person or for or in consideration of any payment or other remuneration (whether monetary or otherwise) "; and sub-agent to mean " any person in the direct employ of or acting for or by arrangement with a business agent who performs for such business agent any of the functions of a business agent as defined by this Act whether his remuneration be by way of salary wages commission or otherwise; and, where the business agent is a corporation, includes any member of the corporation who performs for such corporation any of the said functions (and whether or not he is remunerated as aforesaid) other than a member of the corporation who takes out a business agent's licence on behalf of the corporation." The Act does not apply to Ministers of the Crown, government departments, municipal and other specified authorities and their employees. Certain specified persons also are exempted from the provisions of the Act, including trustees, liquidators, receivers, licensed auctioneers and persons selling under certain statutory provisions. This exemption is also extended to barristers and solicitors, trustee companies and certain others. The Act prescribes the manner in which applications for licences are to be made to and dealt with by a court of petty sessions, and the particulars to be contained in such applications. Such applications are to be accompanied by a fidelity bond of £500 or, in the case of a corporation, £1,000, and certificate of the character of the applicant signed by six respectable householders resident in the locality in which he resides or carries on business. Provision is made for the granting, renewal, cancellation and transfer of licences, and the registration of business agents and their offices. The hiring, letting or lending of licences is prohibited. The Act prohibits an unlicensed business agent from recovering

fees for his services and requires a licensed agent to produce his licence on demand to the registrar, any member of the police force or any person with whom the agent is transacting or attempting to transact business. Provision is made relating to the disqualification of an agent from holding a licence in cases where he has been convicted of an indictable offence or is guilty of fraud; for the displaying of certain notices at places of business; for the application of trust moneys and accounts of agents. Statements are to be kept with respect to employees and sub-agents, and there is a prohibition against the employment by agents of a person who is a known reputed thief or cheat or who has been disqualified or refused a licence under the Real Estate Agents Act (No. 3762). S. 30 provides for inspection of the fidelity bond and power to sue thereon subject to the approval of the Treasurer in writing; so only that such action shall be commenced within six years after the cause of action, notwithstanding the existence of other statutory limitations of actions (s. 31); s. 32 enacts that no action is to be brought upon any contract or sale of certain businesses if the agreement or the memorandum thereof is not signed by the party to be charged, unless the person signing the same has been authorized in that behalf in writing by the party to be charged.

The Act also provides for the licensing of sub-agents of business agents, and applies a number of the foregoing provisions to them. It forbids sub-agents to perform the functions of business agents unless authorized in writing; requires the payment by sub-agents of moneys received by them to the business agents for whom they are acting, who are declared to be personally liable for all moneys received by their sub-agents. Lastly, the Act prescribes certain fees payable thereunder, and contains the usual authorization of the Governor in Council to make necessary regulations.

Motor Cars.—Act No. 3901, in part an amending Act, contains a number of provisions relating to the registration of motor cars and motor-cycles. The definition of motor-cycle in the principal Act No. 3741, "a motor car which has only two wheels but includes a motor-cycle having a trailer fore-car or side-car attached thereto," is extended to include "a motor-tricycle which is used solely for the conveyancing of an invalid person." Trailers attached to traction engines used on highways must be registered and carry identifying numbers, but such a trailer owned by a primary producer and used in carrying his goods is exempt from registration. A new system for the identification of motor cars is introduced by means of standard number plates issued by the Chief Commissioner of Police, which shall remain the property of the Crown. Provision is made for the replacement of plates lost or damaged, and heavy penalties are fixed for their fraudulent use, manufacture and sale. The Act contains a number of provisions relating to the licensing of drivers, the production of licences on request by the police and the suspension of driving licences, and removes certain anomalies in relation to cars and drivers from other States. The law relating to drivers is made more stringent. No person under eighteen years of age may drive a car whether in company of a licensed driver or not, and a licence may be refused to any person convicted of an offence which the Chief Commissioner of Police considers renders him unfit to hold a licence; but an appeal from such refusal lies to a police magistrate. Authority is given to the Governor in Council to permit motor racing or speed trials on any highway in certain circumstances. In any accident in which a motor car is concerned the

driver concerned must stop and render aid and give his name and address, and where a person is injured and no police are present also report the accident at the nearest police station. Any member of the police force is empowered to give reasonable directions to drivers, and garage keepers must keep records of cars coming to them for repairs. Heavier penalties are prescribed for stealing cars, "joy-riding" and for drunken drivers. The provisions of the principal Act relating to the weight which may be carried on motor cars and the speed at which the same may travel are amended. Before the passing of this Act there was no power to compel the weighing of heavy vehicles suspected of infringing the law regarding maximum weights and speeds. Power is now given to the police and inspectors of the Country Roads Board to weigh such vehicle by means of a portable device or to take it to the nearest weighbridge. Proof, in proceedings for offences under the Motor Car Acts, of the registration of motor cars is facilitated by means of certificates from certain police officers.

Treasury Bonds.—Act No. 3909 authorizes, in fulfilment of s. 10 of the Public Account Advances Act, 1924, the issue of Treasury bonds by the Treasurer of Victoria for amounts not exceeding £1,285,000—the amount to the deficit of the consolidated revenue at the end of the financial year. In accordance with the cited section of the Public Account Advances Act, any deficit may be charged temporarily to the public account, but it is essential also that the Treasurer shall get authority from Parliament to issue bonds for the said deficit. The Act is to be subject to the provisions of the Commonwealth and States Financial Agreement Act, 1927 (No. 3554). It contains provisions relating to the form, signature, registration and numbering of bonds. It charges the sum raised upon the consolidated revenue. It provides for the renewal, date of maturity, rate of interest, sale and paying off of the bonds, for the exchange of defaced bonds, replacing of lost bonds and cancellation of discharged bonds, and penalties for offences and for the payment of all moneys raised by such Treasury bonds into the consolidated revenue.

Wild Flowers.—Act No. 3916 provides for the protection of wild flowers and native plants. The latter is defined to mean any plant, shrub or tree which is indigenous to Victoria, the former the flower of any native plant. The Governor in Council is empowered to notify by proclamation that any specified wild flower or native plant is protected in any specified part of Victoria for either a limited or unlimited period. Any person who during the protected period picks a protected flower or plant growing on any Crown land, State forest, any land reserved for a public purpose, any road, or any private land the owner or lessee of which has not given his permission in that behalf is declared guilty of an offence, as also any person who sells, offers or exposes for sale any such flower or plant, and liable to a maximum penalty of £5, £10, £15 for a first, second, third or subsequent offence respectively. Proof that a protected plant or flower was found in possession of the defendant during the protected period is made *prima facie* evidence of a contravention of the Act, but so that a sufficient defence shall be that the matter charged was the result of an accident or was picked on a place not included in any proclamation. Likewise proof that the flower or plant had been growing upon private land and was picked with the consent of the owner or lessee of the land or was picked in a place not included in a proclamation is declared to be sufficient defence to a charge of selling. The Minister may, on the

recommendation of the Forests Commission, appoint honorary rangers to assist in carrying out the provisions of the Act. Any such ranger, or any forest officer, bailiff of Crown land or land reserved for public purposes, member of the police force, officer or employee of any municipal council may require a suspected person to give his name and address and deliver up any protected flower or plant in his possession; refusal to comply is made an offence. Power is reserved to the Minister to issue licences authorizing the picking of protected plants or flowers for scientific or other approved purposes.

Poisons.—Act No. 3918 amends the principal Act by placing further restrictions on the sale and possession of poisons and by making amendments necessary to keep the legislation up-to-date and to give power of control adequate to meet existing conditions.

S. 3 places upon the wholesale dealer the duty of ascertaining before selling a poison that the buyer is a person licensed or authorized to sell or to be in possession thereof.

S. 5 substitutes new schedules of narcotic or dangerous drugs and of potent drugs to bring the schedules into harmony with the latest knowledge on the subject and to give effect to decisions arrived at by the Narcotic Drugs Division of the League of Nations. It gives power also to the Governor in Council to add certain substances or preparations to the schedule by proclamation to be laid before both Houses of Parliament as soon as may be after proclamation.

S. 6 makes the actual possession of forged or fraudulently altered prescriptions relating to narcotic and dangerous drugs a misdemeanour.

S. 7 forbids the hawking or peddling of narcotic or dangerous drugs under a penalty of not more than £100 or imprisonment of not more than 12 months.

S. 8 empowers the police to arrest without warrant persons hawking or peddling any narcotic or dangerous drug, persons selling such drugs to unauthorized persons, persons forging or fraudulently altering prescriptions for narcotic drugs or in possession of such prescriptions, and other such offences relating to narcotic or dangerous drugs as opium, morphine or cocaine, whenever they refuse to give names and addresses or give names and addresses suspected or after reasonable inquiry found not to be true.

S. 10 forbids food, drink or condiment being sold in containers like those in which certain poisons may be sold.

S. 11 forbids the sale or supply of poisons and the like by automatic machines as well as the installation of machines for that purpose.

S. 12 authorizes regulations to be made for the purpose of bringing medical men, dentists and chemists under better control, and breaches of regulations as to the manufacture, sale, possession or distribution of narcotic or dangerous drugs are to be deemed infamous or unprofessional conduct for the purposes of any Act affecting such practitioners.

S. 13 amends the principal Act and provides for fixing the responsibility for offences in regard to the packing or labelling of poisons. The section deals with the sale of poisons and the like by innocent retailers in unopened packages so as to protect them and to place the liability on the original or intermediate supplier or on the person whose name appears from any label on the package to have made, imported or supplied the same. The section also provides safeguards in cases where non-compliance with the Act was not due to the fault of the accused.

S. 14 gives power to make regulations in the interest of public safety to prohibit, control or regulate the discharge of poisonous substances on or into any road, street, drain or watercourse.

S. 15, in order to protect certain domestic animals, prohibits the laying by any person of any poisonous matter in any city, town or borough otherwise than by a person in or upon any land or premises owned or occupied by him, or by the council of any city, town or borough or any public authority in or upon any road, street drain or land, setting, laying or putting poison or fluid on edible matter for the purpose of destroying rats, mice or other small household vermin, or for disinfecting or for sterilizing purposes, etc., and taking all reasonable precautions to prevent access to the poison of any domestic animals.

Public Authorities Marks.—Act No. 3921 is to prevent the manufacture, sale or supply of articles bearing stamps falsely indicating to the public that they have been inspected and passed by some public authority, and it gives power to certain declared public authorities to make by-laws or regulations with respect to the testing, stamping or marking of articles, materials or things which are or are required or intended to be fixed or used or are or are authorized or required to be tested in connexion with any works or operations for carrying into effect the objects of any Act relating to the authority concerned (ss. 2–4).

It enacts that such authorities shall have and be deemed to have had power to provide and maintain testing water and plant and machinery and appliances for testing, stamping and marking such articles, materials or things, and it prohibits the unlawful making or the forging or counterfeiting of any stamp or mark to which the Act relates, or the sale of any articles, materials or things with unauthorized, forged or counterfeited stamps or marks thereon (ss. 5–6).

Acts Interpretation.—Act No. 3930 adds the following rule for the interpretation of Victorian Acts, viz. that they shall be read and construed subject to the Commonwealth of Australia Constitution Act so as not to exceed the legislative powers of the Parliament of Victoria, to the intent that where part only is *ultra vires* the part that is *intra vires* will be valid.

Cultivation Advances.—Act No. 3931 follows on the lines of previous similar Acts. It enables the Minister to make, during the period ending December 31, 1931, advances out of the moneys raised under Acts Nos. 3551, 3819 and 3827 of seed, fodder, manure or building or fencing materials, or of money for effecting improvements or for sustenance or for any other purpose which is necessary to enable cultivators to continue working or residing on their farms during the period before the completion of the harvesting of the next crop.

A guarantee or guarantees, instead of or in addition to an advance, may be given by the Minister that payment will be made in respect of such quantity as the Minister thinks fit, supplied to the cultivator of seed or fodder or manure or building or fencing materials, and the amount of such guarantee shall be deemed to be an advance to the cultivator.

It provides also for the securities to be given over the crop for such advances or guarantees, and for the personal liability, in addition to the security so to be given.

Real Estate Agents.—Act No. 3933 makes in Part I a number of amendments in the principal Act. It requires also the licensing of sub-agents, *i.e.* any person in the direct employ of or acting for or by arrangement with

a real estate agent who performs for such real estate agent any of the functions of a real estate agent as defined by the principal Act, whether his remuneration be by way of salary, wages, commission or otherwise, and where the real estate agent is a corporation, any member of the corporation who performs for it any of the said functions. Every licensed real estate agent is to have a registered office within Victoria to which notices, etc., may be addressed, and notice of any change of address is required to be filed and recorded (s. 11).

Every licensed real estate agent or sub-agent must produce on demand, at the premises at which he carries on business, his licence to the registrar or to the police or to any person with whom he is transacting or attempting to transact any business (s. 14).

Another requirement is that he shall paint and keep painted or affixed to his place of business, so as to be easily read from outside, his or its name and description as a licensed real estate agent (s. 16).

He is to make and keep at his place of business a true statement in writing in a prescribed form of all his employees and of their wages or commissions and produce the same during office hours on demand by the registrar or certain members of the police force (s. 20).

S. 21 gives power to the registrar, etc., to inspect any books, accounts, documents or writings in the custody of any licensed real estate agent relating to any trust account in any bank in the name of the real estate agent or for the purpose of ascertaining whether or not the real estate agent has any partners, and to take notes, copies and extracts therefrom.

S. 22, without affecting the provisions of the Crimes Act, 1928, enacts that any real estate agent who (*a*) fraudulently converts to his own use (i) any moneys received by him on behalf of any person in respect of any transaction in his capacity of real estate agent; or (ii) any moneys so received which are held by him as a stakeholder or in trust pending the completion of any transaction, or any part of such moneys; or (*b*) fraudulently omits to account or deliver or pay (i) any such moneys received by him as aforesaid on behalf of any person or any part thereof to such person; or (ii) any such moneys received by him as aforesaid which are or were held by him as a stakeholder or in trust as aforesaid pending the completion of the transaction or any part of such moneys to the person or persons entitled to such moneys; or (*c*) fraudulently renders an account (i) of any moneys received by him as aforesaid on behalf of any person or any part of such moneys; or (ii) of any moneys received by him as aforesaid which are or were held by him as a stakeholder in trust pending the completion of any transaction or any part of such moneys, knowing such account to be false in any material particulars, shall be guilty of felony and be liable, if a corporation, to a penalty of not more than £1,000, or if any other person, to imprisonment for not more than ten years.

S. 23 disqualifies certain classes of persons from being employed by real estate agents, *e.g.* unlicensed sub-agents, or any person disqualified from holding a licence or whose application for certain licences has been refused, etc. The following section (24) renders incapable any disqualified person from becoming or continuing a director, manager or officer of any corporation licensed under the Act.

S. 24 makes a licensed real estate agent personally liable for all moneys received from or on behalf of any person by any sub-agent acting for him in respect of any transaction.

Part II of the Act declares certain statements calculated to induce persons to purchase allotments of land, offences, *e.g.* (*a*) knowingly making to a prospective purchaser any false representation; or (*b*) stating that he or some other person named by him will buy, at a profit to be received in the future by such prospective purchaser, the said allotment of land or any part thereof or interest therein or any other land or chattel owned by the prospective purchaser; (*c*) stating that he or some other person named by him will at some future time obtain for the prospective purchaser a profit on the sale of such allotment or any part thereof or any interest therein, and makes them punishable by fine of £100 or imprisonment for not more than twelve months (s. 41).

Contracts made after the commencement of the Act for the sale of any allotment of land are made voidable at option of purchaser at any time within six months from the making thereof unless it contains the following particulars, viz.: (i) the name, address and description of the vendor; (ii) a statement whether or not a plan of subdivision relating to the land sold has been deposited in the Office of Titles and the name (if any) of the subdivision and the number of the plan; and (iii) the name, address and description of some person to whom all moneys falling due under the contract may be paid; and unless the contract is executed by the purchaser in the presence of a witness. Furthermore, a purchaser is not to be deemed to have elected to affirm the contract by reason of any payments of money made by him pursuant to the contract within the said period of six months (s. 42).

A prohibition is added against the waiving by a purchaser of his right (under s. 42) to avoid the contract (s. 43).

S. 44 deals with the burden of proof as to the knowledge of falsity of any representation, and says that in any action if it is proved that any representation made on the sale was false and that that induced the party to enter into the contract to purchase the allotment, the person making the representation shall be deemed to have made it with knowledge of its falsity unless he proves (*a*) that he had reasonable grounds to believe and did believe that the representation was true or that he had no reason to suspect that it was false; and (*b*) that otherwise he had acted innocently. A prohibition is added against any term or provision in the contract preventing the purchaser claiming damages for fraudulent misrepresentation (s. 45).

University.—Act No. 3942 makes certain amendments to revenue adjustment, and in s. 3 appropriates out of the consolidated revenue, for each of five financial years beginning from July 1, 1930, a sum of £3,500, which is to be paid to the university and to be applied as to £2,700 for or towards a veterinary research institute, and as to £800 for or towards the cost and expense of a laboratory and of researches under the Milk and Dairy Supervision Act, 1928.

Reduction of Salaries.—Act No. 3945 provides for the reduction for a certain period in the salaries and disbursements payable to responsible Ministers of the Crown, to members of the Legislative Council and of the Legislative Assembly and to the President of the Legislative Council, the Speakers, the Leader of His Majesty's Opposition, but not to the Governor or to the Judges of the Supreme Court. The reduction is in accordance with the rates set forth in the schedule and for a period ending June 30, 1931.

Complementary to it is Act No. 3946, providing for the reduction for

the like period of the pay of officers and persons (not included in Act No. 3945) who are subject to the provisions of the Public Service Act, 1928, or whose pay is paid out of a permanent or special appropriation of the consolidated revenue. The reduction is in accordance with the rates set forth in the schedule.

6. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq.]

Of the Western Australian Statutes of 1930 three, of minor importance, belong to the last session of the thirteenth Parliament, whilst the remainder belong to the first session of the fourteenth—a session which lasted for seventeen months (July 30, 1930, to December 4, 1931).

This session was, however, broken by two long adjournments occasioned by conferences of the Australian Premiers. The second of these conferences gave rise to the Premiers' plan for the economic salvation of Australia. To implement this plan much legislation had to be passed in the year 1931; but before that, in 1930, it was found necessary to pass a considerable body of legislation on account of the serious economic crisis with which the Commonwealth and States have been confronted.

Main Roads.—The main purpose of Act No. 5 is to take the control of main roads from the Main Roads Board constituted by the Main Roads Act, 1925, and vest it in a Commissioner of Main Roads, who must be an engineer qualified by training and experience in modern road making.

Parliamentary Allowances.—Act No. 6 makes a 10 per cent. reduction in the salary of every member of the Legislative Assembly and Legislative Council and of the Leader of the Opposition and of the President of the Legislative Council and of the Speaker and of the Chairman of Committees in each House. The Act is to have effect as from the beginning of October 1930 until the end of September 1931.

Agricultural Bank.—By Act No. 15 the Agricultural Bank's powers on taking possession of any mortgaged property are increased, for it is empowered to do whatever is necessary to provide for the maintenance and upkeep of the property and to crop and otherwise work the same for such time as the trustees of the bank shall deem expedient with a view to an advantageous sale, and any moneys expended for any such purpose may be added to the moneys secured by the mortgage.

It is further provided that when the bank sells any mortgaged property otherwise than for cash it is not to be liable to account for any part of the consideration money which it has not actually received in cash.

In respect of any advance to be made by the bank to any person for fallowing, fertilizers, insurance of crops or for bags, and likewise in respect of any interest, for a period not exceeding one year, which has become payable to the bank by any person on any account, the Act confers on the bank the right to a first charge, in priority to all other encumbrances, upon all crops sown or to be sown in or grown upon any lands held or used by such person for agricultural or farming purposes.

The bank is also entitled to arrange for the supply of fertilizers or bags by any person on condition of his having a similar charge for the price thereof.

Vexatious Proceedings Restriction.—Framed on the lines of the Vexatious Actions Act, 1896 (Eng.), and s. 51 of the English Supreme

Court Act, 1925, this measure (No. 16) empowers the Supreme Court or a judge thereof, if satisfied by the Attorney-General that any person has been persistently and unreasonably instituting vexatious proceedings, civil or criminal, to order that no legal proceeding shall be instituted by that person in any court without the leave of the Supreme Court or some judge thereof.

Such leave is not to be granted unless the applicant therefor makes out a good *prima facie* case and satisfies the court or judge that the proceedings will not be an abuse of the process of the court in which they are to be instituted.

Stipendiary Magistrates.—By Act No. 17 the status of magistrates in the State will be considerably altered. Hitherto their tenure of office has been that of other civil servants, but in the future the Governor will be empowered to appoint magistrates who will hold office during good behaviour, and be removable from office upon the address of both Houses of Parliament on the ground of proved misbehaviour or incapacity. No person over seventy years of age will, however, be capable of holding office as a stipendiary magistrate.

No person will be eligible for appointment under the Act unless he has been admitted as a barrister or solicitor in one of the Australian States or in Great Britain or Ireland, or has passed the examination prescribed by the Public Service Act as a necessary qualification for admission to the magistracy ; but certain existing magistrates will be eligible for appointment under the Act without examination.

These provisions of the Act are intended to be brought into operation gradually only ; for, though s. 9 provides that in the future no magistrate shall be appointed except pursuant to the provisions of the Act, yet by s. 1 it is declared that that section (9) shall only extend to such districts and courts as it is from time to time expressly made applicable to by proclamation.

Bees.—Act No. 18 provides improved means for the prevention and eradication of contagious diseases among bees. The principal diseases aimed at are foul-brood, Isle of Wight disease and sour-brood ; but the Act may be extended to others by proclamation. Registration of apiaries is made compulsory, and the Governor may proclaim any part of the State to be an infected area, and may prohibit, either absolutely or subject to regulation, the bringing into or removal from such an area of any bees, honey, wax, hives or beekeepers' appliances.

The Act also gives full power of inspection and makes ample provision for the disinfection or destruction of anything liable to spread infection.

Bees and the products of or appliances used in connexion with bees are forbidden to be imported into the State unless certified by the proper authority of the State or country of origin to have come from a locality which is free from disease.

Companies.—Act No. 19 is an amendment of the measure reviewed in this *Journal*.[1] It enables co-operative companies to enter into partnership with one another, and authorizes any such partnership to use the word " co-operative " as part of its name.

Anatomy.—By this measure (No. 23) provision is made for the establishment of schools of anatomy and for authorizing and regulating the practice of anatomy. The subject is dealt with on lines that have become

[1] Third Series, vol. xiii, pt. ii, p. 92.

traditional, and the safeguards provided are adopted from legislation in force in Victoria.

Local Courts.—By the Local Courts Act, 1904, the jurisdiction of such courts is limited to cases in which the amount involved does not exceed £100. By Act No. 35 the amount will be increased to £250. The Act further amends the law in an important respect by providing that in all cases in which the claim exceeds £100 the trial shall be held before a judge of the Supreme Court, unless the parties agree to the matter being decided by a magistrate.

Housing Trust.—Though Act No. 36 is declared to be enacted in order to constitute a housing trust with power to erect cottages and dispose of them to persons who cannot otherwise obtain such accommodation, yet the actual work of providing cottages—calling for tenders, preparing plans and specifications, supervision, etc.—will be the responsibility of the Workers' Homes Board constituted under an Act passed in 1912.

The fund on which operations under the Act will be carried on will be called the Housing Trust Fund, and will include: (*a*) such moneys as may be made available by Federal or State Government grants; (*b*) private donations; (*c*) payments made by life tenants and purchasers under the Act, and all moneys arising out of the transactions of the Trust.

The Trust itself will consist of two members appointed by the Governor.

In the event of disagreement between the members over any matter, such matter will be decided by the Minister.

An applicant for a cottage must be what is called an "eligible person" —that is to say a person over twenty-one years of age (not being a married woman living with her husband) who can prove want of means to acquire a house, good character and continuous residence in the State for two years immediately preceding the application.

Applications are of two kinds: (1) for tenancies for life; (2) for the purchase of the fee simple in possession.

A person whose application for a life tenancy of a cottage is granted will have the right to reside in and occupy the cottage rent free for life or for such lesser period as the Trust may think proper.

The Trust will insure the cottage, but the life tenant will have to pay the premiums and to keep the cottage in good and tenantable repair and condition.

The Trust is empowered to extend to the widow or widower of the life tenant the right to reside rent free in the cottage for his or her life or for any lesser period.

The effect of the granting of an application for purchase of a cottage is that the applicant becomes entitled to buy the cottage and the land appurtenant thereto by payment of a regular monthly instalment of £1 1*s.* 8*d.* No interest will be payable, but the monthly payments will be applied in satisfaction of (*a*) insurance premiums, (*b*) rates, taxes and other governmental or local assessments, and (*c*) cost of maintenance and renovation, and, subject thereto, will be applied towards payment of the capital cost, until such cost has been fully paid.

If the purchaser dies, his beneficial interest will pass to his personal representatives in trust for those persons who are entitled under his will or on his intestacy. If any of such persons are not eligible, they will be entitled to their proportion of the amount which has been paid by the deceased towards the capital cost, and the Trust will make the necessary

refund accordingly. With regard to those who are eligible, they will not be entitled to any interest in the cottage and land until they have entered into an agreement with the Trust undertaking to pay the balance of the capital cost, together with any amount so refunded by the Trust as mentioned above.

A purchaser will have the right to pay off the whole or any portion of the capital cost of a cottage at any time.

Friendly Societies.—The committee of management of any friendly society is empowered by Act No. 38 to suspend, wholly or partly, and from time to time, the liability of any member who is in necessitous circumstances owing to unemployment and consequently unable to make contributions to the funds of the society. Such a suspension will not extinguish the liability; but the member will be liable to pay at a future date any amount in arrear, unless the society otherwise determines. Notwithstanding the suspension a member will be entitled to the benefits of the society.

No such suspensions will be granted except with the approval of the registrar of friendly societies, and may at any time be removed by the committee or the registrar.

The power of granting suspensions is intended to be a temporary expedient to tide members over exceptionally hard times, and is liable to be terminated at any time by proclamation.

The Act contains provisions whereby societies may, with the approval of the registrar, make provision for payment of any contributions and for the adjustment of their financial position.

Hospital Fund.—To the hospital fund established by Act No. 39 every person (subject to certain exceptions) in receipt of salary, wages or other income is liable to contribute annually an amount calculated (Act No. 40) at the rate of 1½*d.* in the pound.

The exceptions include persons in receipt of old age or invalid pensions and persons whose total annual income is under £52.

Contributions in respect of income other than salary and wages will be calculated on the income-tax returns, but some of the deductions which are allowed in respect of income-tax will not be allowed.

Companies also, except shipping companies, are liable to make contribution.

Every married person making contribution to the fund who receives treatment at any public hospital and who can prove that, for the twelve months immediately preceding, his income was less than £230, is exempted from liability to pay for such treatment. A similar exemption is also accorded in respect of any dependent of such a person; whilst a single person is entitled to the like exemption for himself or any dependent if his income during the preceding twelve months was less than £156.

This exemption does not extend (*a*) to any case coming within the Workers' Compensation Act; (*b*) to any case of venereal disease; (*c*) to maternity cases in respect of which an allowance is payable under the Maternity Allowances Act of the Commonwealth; or (*d*) to cases for which the Repatriation Department of the Commonwealth is responsible.

Moneys paid to the fund are to be applied first in payment of the costs of collection and administration, and subject thereto in: (*a*) paying to any public hospital the cost of any hospital service granted to any person who is exempt from liability therefor; (*b*) paying subsidies to public hospitals; (*c*) erecting, altering, adding to or renovating any public

hospital; (*d*) providing equipment for any public hospital or extending or improving the hospital service.

Industrial Arbitration.—Act No. 41 is an amendment of those provisions of the Industrial Arbitration Amendment Act of 1925 which empower the court to fix a basic wage annually.

It directs the State government statistician, as soon as practicable after the end of each quarter in every year, to supply to the court a statement indicating by price index numbers and other information the variation (if any) in the cost of living which has occurred during the preceding quarter, and if such statement shows that a change of one shilling or more a week has occurred in the cost of living, then the court shall consider such statement and may adjust and amend the basic wage in force for the time being in accordance with any change in the cost of living indicated in such statement.

Whenever and as often as the basic wage is so adjusted and amended, the basic wage for the time being prescribed in any award or industrial agreement shall automatically become increased or decreased, so that it shall conform to and be in parity with the basic wage as so adjusted and amended by the court.

Salaries Tax.—As a result of economic conditions and of the necessity for making all possible efforts to balance the Budget, Act No. 44 imposes a special tax on the salaries of officers remunerated from the public funds.

The Act does not extend to the Governor or to members of either House of Parliament or to any person who receives a salary which does not exceed £100 per annum or to any person whose salary is fixed by any industrial award or agreement under the Industrial Arbitration Act, and there are also other exceptions.

The rate of tax varies from £3 15*s.* per cent. in cases in which the salary is equivalent to or does not exceed £4 10*s.* per week, to £10 per cent. where the salary exceeds £19 per week.

An officer on whom a near relative or wife or husband is solely dependent is not, by this Act, to have his salary reduced below £250 per annum.

The Act is temporary, and is to operate for twelve months only.

Tenants, Purchasers and Mortgagors' Relief.—This statute (No. 45) is designed to protect persons in occupation of dwelling-houses. Commissioners appointed under the Act are to have power to grant protection orders to tenants and mortgagors of dwelling-houses where satisfied that the tenant or mortgagor is unable, owing to unemployment, to keep his rent paid up or to pay the amount of any principal or interest due or accruing due under any mortgage.

In the case of a tenant the effect of a protection order is to prevent any distress being levied in respect of any rent accrued, accruing or to accrue due by the tenant in respect of the dwelling, and to prohibit the landlord from re-entering or taking possession of the dwelling as against the tenant.

The order will also, if filed in a court of law, act as a stay of any proceeding therein for the recovery of the dwelling or any rent claimed in respect thereof.

When the applicant is a mortgagor, the effect of the order is to prohibit the mortgagee from enforcing or seeking to enforce or proceeding with the enforcement of the mortgage, whether by action, sale, foreclosure or otherwise.

The Commissioner is directed by the Act not to make any such order unless he is satisfied that the applicant's unemployment is not due to his

own fault, or if it appears that the landlord or mortgagee will suffer undue hardship in the event of an order being made.

A protection order will remain in force for such time, not more than three months, as the Commissioner directs, but a limited power of extension is given.

When a protection order has terminated, the moneys affected thereby become recoverable together with interest, but the Commissioner may order payment by reasonable instalments.

Orders for relief may be made in favour of mortgagors of dwellings who can prove inability to pay the principal money. Such orders have no effect in respect of the interest, and a mortgagor need not show that his inability to pay arises from unemployment.

The order prevents the mortgagee from calling up or suing for the principal moneys or exercising any power of sale or entering into possession or proceeding for foreclosure, unless he first obtains the order of a judge.

An agreement for sale of a dwelling which has not been completed by conveyance or transfer is, for the purposes of the Act, treated as a mortgage for the amount of the unpaid purchase money and interest; and protection or relief may be granted in respect of such an agreement accordingly; but if the purchase money is payable by way of rent, then the agreement is treated as a lease, and the purchaser may be protected as a tenant.

When a landlord or vendor against whom a protection order or order for relief has been made has mortgaged the dwelling to any person, then the tenant or purchaser, on whose application such protection or relief has been granted, may obtain an order against such superior mortgagee forbidding him to exercise his powers, except subject to the rights of the tenant or purchaser.

This Act is temporary only. It is intended to meet extraordinary economic conditions and will cease to be operative after March 31, 1932.

State Trading Concerns.—Act No. 46 is short but important. It empowers the Government to sell and dispose of any State trading concern without obtaining the approval of Parliament.

Farmers' Debts Adjustment.—The purpose of Act No. 48 is to prevent farmers who have suffered by the prevailing conditions from being driven off their farms. If the farmer is made bankrupt or executes a deed of assignment, the result is that he leaves his farm. The Act is meant to enable the creditors to allow him to carry on.

It is true that no Act of the State Parliament can prevent a creditor resorting to the Bankruptcy Court, which is regulated by Federal legislation; but in passing this statute Parliament hoped that, if facilities were provided for creditors meeting and devising their own schemes, a resort to bankruptcy would in most cases be avoided—and this hope has been justified by experience.

Any farmer or the creditor of any farmer may make application under this Act to an officer, appointed under the Act and called a "director," to call a meeting of the farmer's creditors.

The director thereupon grants the farmer a stay order, and also appoints some person to be receiver of the rents, profits and produce of his farm and of all property used in connexion with his business.

The stay order directs that no action, execution, distress for rent, proceedings on default or breach of covenant under any mortgage or other security for money, or under any agreement for sale or purchase of

land, or any other process or proceeding shall be commenced or proceeded with or put in force against the farmer or his estate.

A meeting of the creditors is convened by the director as soon as practicable, and after the opening of the meeting the chairman invites the creditors to ascertain by consultation among themselves whether it is not possible to arrange the affairs of the farmer, and the creditors may thereupon, by a majority in value and number, pass any resolution for the adjustment or arrangement of the farmer's affairs which may appear to them to be expedient. After passing such resolution the creditors can adjourn the meeting to a future date when the position can be reviewed.

The protection afforded by the Act will continue pending the holding of any adjourned meeting; for it is provided that a stay order and the authority of a receiver shall be operative until the expiry of three weeks after the meeting and any adjournment thereof.

7. PAPUA.

[*Contributed by the* Hon. Mr. Justice R. T. Gore.]

During the year 1930 thirteen Ordinances were passed, four of which are dealt with hereunder. One Ordinance authorizing the deduction of amounts from salaries of officers of the public service commences on a date to be fixed by proclamation, and as no proclamation has been made there is no need to review the Ordinance. The remainder were either Appropriation Ordinances or which made minor amendments.

Legitimation of Children.—No. 1 follows closely the legislation on the same subject in England and the Australian States. With the exception of s. 8 the Ordinance is copied from the Queensland Act. S. 8, which makes provision for the mother of an illegitimate child to take the property of such child on intestacy and *vice versa*, is taken from the English Act of 1926 (16 & 17 Geo. V, c. 60, s. 8).

Police Offences.—No. 3 amends the Police Offences Ordinance, 1912. S. 50 of the principal Ordinance makes provision for the arrest of drunken or disorderly persons, but it was necessary to go to the Liquor Ordinance for the offence, which under that Ordinance did not include the combined one of drunk and disorderly in a public place. The amendment in this regard imposes a penalty not exceeding £3 on whosoever is found drunk and disorderly and £2 on whosoever is found drunk in any street or public place. No. 3 also makes provision for searching without warrant the portion of any premises where native employees are housed.

Native Offenders Exclusion.—No. 4 forbids natives convicted of any offence of an indecent nature against a white woman or girl, upon discharge from custody, to come or remain within the boundaries of any town. Any native convicted of a breach of the provisions of the Ordinance is guilty of a misdemeanour and is liable to imprisonment with hard labour for one year.

Compensation to Relatives.—No. 5 is on all fours with the provisions of Lord Campbell's Act. In adopting the Queensland Common Law Practice Act, 1867, which contained similar provisions to Lord Campbell's Act, these provisions were omitted. This omission has now been remedied. The Ordinance is constructed to embrace the requirements of the native population.

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public and General—45; Local and Personal—18; Private—6.

In a session extending over four months, only forty-five public Acts were passed by the New Zealand Legislature during 1930. The reason is to be found principally in the absence of the Prime Minister (the Right Hon. Mr. Forbes) and the Attorney-General (the Hon. Sir Thomas Sidey) who left New Zealand in August to attend the Imperial Conference in London.

The following review (written in November 1931) summarizes the most important enactments of 1930; since then two sessions of Parliament have been held in 1931, and where the legislation of 1930 has been affected by the legislation of 1931, the later legislation is also adverted to.

Unemployment.—The Local Authorities Empowering (Relief of Unemployment Act), 1926, was originally intended to remain in operation for one year only.[1] It has since been annually extended for a year at a time, the last extension being made by an Act of 1931, which has extended its operation until July 31, 1932. The increase of unemployment throughout New Zealand in 1930, however, necessitated further measures of relief, and the Unemployment Act (1930, No. 10) was passed on October 11 of that year. By that Act an Unemployment Fund is established, consisting of the proceeds of an "unemployment levy" and of an equal subsidy from the Consolidated Fund. The original levy was imposed at a flat rate of 30*s.* per annum, and was payable by all males over twenty years of age, with certain exceptions of minor importance. For example, persons in receipt of old-age and certain other pensions were exempted, as were also persons whose ordinary place of residence was not in New Zealand. It is to be noted in particular that no general exemption was made in respect of unemployed persons themselves; a major purpose of the Act is to provide relief works, and the levy is recovered from the relief wages. For the administration of the Act an Unemployment Board of eight members is set up, two being representative of employers, two of workers and one of returned soldiers; the other members being the Minister and two persons appointed on the recommendation of the Minister. This Board was found to be unwieldy, and by the legislation of 1931 a Board of five members was substituted. As now constituted the Board consists of a Minister of the Crown, the Commissioner of Unemployment (who is an officer of the Public Service) and three members appointed by the Governor-General.

The policy of the legislation and of the Unemployment Board has consistently been to provide work and wages, and not charitable relief, the fund being principally used to subsidize local authorities in carrying out works that in ordinary course would probably not be undertaken at all, or would not be undertaken in the present economic circumstances. By the amending legislation of 1931, the powers of local authorities have been extended to enable them, with the concurrence of the Unemployment Board, to carry out works on privately owned property (*e.g.* drainage, reclamation and irrigation works).

The major alteration of the law made in 1931 is with respect to the

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii.

maintenance of the fund. It was found that a levy of 30*s*. a year on adult males, with a subsidy of an equal amount from the Consolidated Fund, estimated to produce in the aggregate over £1,500,000 a year, was hopelessly inadequate for the purposes for which it was established. By the amending legislation further taxation is imposed, and the Fund is now maintained by the proceeds of (*a*) a general levy of 20*s*. a year on adult males; (*b*) a tax on all wages (payable by both men and women) of 3*d*. in the pound; (*c*) a like tax on income other than salary and wages, payable by all men, and by women who are in receipt of an annual income of £250 and upwards; (*d*) a subsidy from the Consolidated Fund, equal to the amount of the expenditure from the Unemployment Fund.

The annual income of the fund is now estimated at approximately £2,500,000.

The Act makes the necessary machinery provisions to enable the Board to carry out its duties, and to prevent the receipt of benefits by persons whose financial circumstances do not justify their being granted this form of relief.

So far as possible the aim of the Board is to provide money for the employment of men on productive works; in no case is the Board itself an employer of labour, but expends the available moneys in assistance of employers.

Rent Restriction.—The Rent Restriction legislation is again extended by the Rent Restriction Act, 1930 (No. 10), and yet again by the Rent Restriction Act, 1931. The date now fixed for its expiry is August 1, 1932. Although the legislation has a very limited operation in actual fact, its presence on the statute-book is said to have a wholesome influence in preventing excessive rents.

Customs and Excise Duties.—The Customs Acts Amendment Act (1930, No. 5) increases the rates of duty payable on the importation into New Zealand of several classes of goods; and also increases the rates of excise duty payable on beer and tobacco manufactured in New Zealand. Many of these duties are further increased by the Customs Acts Amendment Act, 1931. The Act of 1930 abolished primage duty (which was applicable both to dutiable goods and to goods which, except for primage, were non-dutiable) and substituted a surtax on dutiable goods. As a measure of financial expediency, however, it was found necessary in 1931 to re-impose primage duty on non-dutiable goods; the rate has been fixed at 3 per cent. *ad valorem*.

Taxation and General Financial Provisions.—By Part I of the Finance Act (No. 6), increased rates of stamp duty are imposed on almost all dutiable instruments; Part II increases from 20 per cent. to 30 per cent. the rate of estate duty payable in respect of estates the final balance of which is in excess of £100,000; Part III increases the rates of amusements tax; Part IV makes provision for the utilization of the Main Highways Revenue Fund in aid of the Consolidated Fund; Part V imposes a "film-hire tax" on persons engaged in carrying on the business of renting "sound-picture films" to exhibitors, to be assessed on the net returns derived from such business. In the case of British films, the rate is fixed at 10 per cent., in the case of foreign films at 25 per cent., of the net receipts.

Land and Income-tax.—Act No. 8 repeals those provisions of the Act of 1929 which imposed a special land-tax. This tax was found to be unfair in its incidence. In its place farmers in occupation of land of an

unimproved value of £7,500 and upwards are made liable for income-tax. By the amending legislation of 1931, the limit of £7,500 is reduced to £3,000.

This Act also makes more exact provision for the assessment for income-tax of companies carrying on in New Zealand the business of life insurance. Formerly the assessable income of such companies was ascertained by reference to income derived from investments; under the new rules the assessable income is to be ascertained by reference to the amount distributed as dividends to shareholders or as bonuses to policy-holders.

The rates of land-tax and income-tax for the year are prescribed in the Land and Income Tax (Annual) Act (1930, No. 7).

Coroners' Inquests.—The Coroners Amendment Act (No. 11) adapts the provisions of s. 6 of the Coroners Act, 1887 (Imperial), and ss. 18 and 19 of the amending Act of 1926. The main purpose of the legislation is to authorize the holding of a fresh inquest on the discovery in relation to any case of new facts or evidence. In such cases all the depositions taken on a former inquest are made available, so that the new proceedings are concerned only with the new facts or evidence, and it is not necessary that the coroner should again hear evidence on matters concerning which no new evidence is available.

Supreme Court.—By the Judicature Amendment Act (No. 14) a Rules Committee is set up consisting of the Chief Justice and four other judges of the Supreme Court, the Attorney-General, and three barristers or solicitors nominated by the New Zealand Law Society and approved by the Chief Justice. Their function is to recommend to the Governor-General such new rules and amendments of rules for the procedure of the Supreme Court and Court of Appeal as they think are required. Formerly the duty of making recommendations for the amendment of rules was left to the judges alone, so imposing on them a function that they had little time to perform.

Girl Guides Association.—The Chartered Associations (Protection of Names and Uniforms) Act (No. 15) is expressed in general terms as being "an Act to protect the Names, Uniforms and Badges of Associations incorporated by Royal Charter," though its primary but unexpressed object was to protect the Girl Guides Association. It follows in all essential particulars the Imperial Act of the same title passed in 1926 (16 & 17 Geo. V, c. 26). Protection had already been given (somewhat inappropriately) to the Boy Scouts' Organization by ss. 5 and 6 of the Military Decorations and Distinctive Badges Act, 1918.

Children.—The Births and Deaths Registration Amendment Act (No. 19) removes from the statute-book a requirement with respect to the registration of the birth of children out of wedlock. Since 1875 it has been the practice, on the registration of such a birth, to enter in the register the word "illegitimate"; this was necessarily repeated in certified copies of the entry (frequently required to be produced when a child was a candidate for some examination or an applicant for employment). In 1912, in order to minimize the harshness of the law, provision was made for the issue of certificates of the "date of birth" as distinguished from certificates of the registration entry, and this reform effected its purpose to a limited extent. The amendment effected in 1930 goes further, and dispenses altogether with the necessity of adverting in the register to the fact of illegitimacy. Former entries are deemed to

be expunged, so that in no certificates issued in the future will the fact of illegitimacy be proclaimed.

Registration of Nurses.—The Nurses and Midwives Registration Amendment Act (No. 21) makes provision for the recognition of certain private hospitals and private charitable institutions as training schools for nurses. Hitherto all nurses have been trained in approved public hospitals. So that existing reciprocal arrangements for the recognition of nurses will not be prejudiced, it is provided in the Act that the approval of any private hospital or private charitable institution as a training school for nurses may be revoked if the training therein falls below the standard of training and instruction required by the General Nursing Council of England and Wales as a condition for the admission to the English Nurses Register of nurses trained and registered in New Zealand.

Art.—The National Art Gallery and Dominion Museum Act (No. 22) provides for the establishment in the City of Wellington of a National Art Gallery and Dominion Museum, and a War Memorial Carillon and Hall of Memories, and makes provision for the appointment of a representative Board of Trustees to administer the same.

Census.—The Census Postponement Act (No. 26), as a measure of economy, dispenses with the statutory requirement that a quinquennial census be taken in the year 1931. Unless in the meantime further statutory provision is made to the contrary, a general census will not be taken until 1936.

Firearms and Explosives.—The Arms Amendment Act (No. 30) modifies in some respects the requirements of the Arms Act, 1920. The principal purpose of the amending legislation is to relax the statutory requirements as to registration of shot-guns used for sporting purposes and the restrictions on obtaining ammunition for such firearms.

Native Trustee.—The Native Trustee Act (No. 33) is a consolidation without material alteration of the Native Trustee Act, 1920, and its amendments. The Native Trustee is charged with the administration of certain reserves held for the benefit of natives; prior to 1920 these reserves were administered by the Public Trustee.

Land Settlement.—The Land Laws Amendment Act (No. 35) makes additional provisions, in amendment of the Land Act, 1924, to facilitate the settlement of Crown lands. By the legislation of 1929 authority was given to the Minister to make provision for the bringing of lands into a state of productivity before their disposal to settlers; in extension of this provision the Act of 1930 makes provision for preference being given, when such lands are being disposed of, to the men who have already been employed in preparing them for settlement.

Special provisions are also made for disposing of blocks of inferior Crown lands on special terms, so as to encourage their development. The other provisions are mostly machinery provisions the significance of which can be comprehended only when they are read in conjunction with the principal Act or other Acts to which they refer.

Legal Education.—The New Zealand University Amendment Act (No. 36) and the Law Practitioners Amendment Act (No. 37) must be read together, as they both deal with the matter of legal education. They were promoted by Sir Thomas Sidey, the then Attorney-General, and mark a considerable reform in the matter of the training and examination of candidates for admission as barristers or solicitors of the Supreme Court. Formerly, though in fact the examinations were conducted by

the New Zealand University, the authority to prescribe the subject-matter of examinations and to appoint examiners was vested in the judges; the change effected by the Acts now under review was to transfer to the university the whole authority to prescribe the courses of study, the examination and the educational and practical qualifications of persons seeking to qualify for admission as barristers and solicitors, leaving to the judges the function of admitting qualified persons to the practice of the court. The statutory provisions as to practical training and experience are new. For the purpose of advising the Senate of the university with respect to courses of study and training, provision is made in the New Zealand University Amendment Act for the establishment of a Council of Legal Education, with representatives of the judges of the Supreme Court, members of the New Zealand Law Society and professors or lecturers in law at the university colleges.

Divorce.—The Divorce and Matrimonial Causes Amendment Act (No. 43) originated as a private member's Bill and, somewhat contrary to usual parliamentary practice, was allowed to proceed. S. 2 extends the grounds of divorce by including therein orders for judicial separation made out of New Zealand and in force for three years or upwards. Such orders, if made in New Zealand, have been grounds of divorce since 1920.

S. 3, departing from the recognized principles of private international law, is of more general interest. It is expressed in the form of a verbal amendment to s. 12 of the Act of 1928, and is in the following terms:

(3) Where a wife living in New Zealand prays for divorce on any ground and has been living in New Zealand for not less than three years immediately preceding the filing of the petition, and has such intention of residing permanently in New Zealand as would constitute a New Zealand domicile in the case of a *feme sole*, and has been living apart from her husband for a period exceeding three years, she shall be deemed to be domiciled in New Zealand and to have been at the time of the petition domiciled there for two years at least within the meaning of section ten of this Act.

The first petition under this section was, because of the importance of the principles involved, removed for hearing into the Court of Appeal, where the question was considered as to whether the section in question was *intra vires* the New Zealand Legislature. The unanimous decision of the court was that it was so *intra vires*. The New Zealand Law Journal reports in indirect speech the judgment of His Honour the Chief Justice (Sir Michael Myers, K.C.M.G.), as follows:

It might be that a decree of divorce made under s. 3 of the Act of 1930 was valid only in New Zealand and was of no force or validity outside this country. It might be that the parties divorced in New Zealand might still be regarded as man and wife outside the Dominion. It might be that a man against whom such a decree was made, if he married again outside New Zealand, might be liable to be prosecuted for bigamy; and it might be that the wife who obtained a decree might similarly be liable to prosecution if she went outside New Zealand and re-married. Possibly, also, various difficulties in the way of legitimacy of children and of the inheritance of property might arise. But with all those aspects of the matter their Honours were not concerned. They were entitled—and indeed bound—to assume that all matters of that kind were within the knowledge of, and were duly considered by, the Legislature, and that Parliament had considered, notwithstanding those possible difficulties and doubts, that it was necessary or desirable in the interests of the peace order and good government of the Dominion to confer the right that it had conferred upon married women permanently resident in

New Zealand to whom the enactment applied. The sole question with which the court was concerned was whether or not the enactment was *intra vires* the New Zealand Legislature. . . . On a careful consideration of the whole matter and of the numerous authorities cited by counsel His Honour was of opinion that the enactment was *intra vires* the New Zealand Legislature, that its language was plain and unambiguous, and that effect must be given to it accordingly.

It may be interesting to note that this is not the first occasion in which the New Zealand Legislature has created a fictitious domicile for purposes of divorce; as long ago as 1904 it was provided that a deserted wife who was domiciled in New Zealand at the time of desertion was to be deemed, for the purpose of the Divorce Act, to have retained her New Zealand domicile, notwithstanding that since the desertion her husband may have acquired a foreign domicile. So also in 1919, the Divorce and Matrimonial Causes Amendment Act, 1919, purported to confer on the Supreme Court jurisdiction to dissolve the marriage of a British-born woman with a "person of enemy origin," whether or not the woman was domiciled in New Zealand. The legislation last referred to was repealed in 1927 by the War Disabilities Removal Act.

Disabled Soldiers.—The Disabled Soldiers' Civil Re-establishment Act, No. 83, is complementary to the Repatriation Act, 1918, which established a Repatriation Department. The Department was merged in the State Advances Department in 1924. The increase in unemployment necessitated further action in the interests of former members of our Expeditionary Forces, and the Act now under review makes provision for the vocational training of disabled soldiers, and for the establishment of local advisory committees to assist in finding employment for such men. The Act is administered by the Commissioner in charge of war pensions.

Except as already dealt with, the legislation of 1930 does not call for any special mention.

V. WESTERN PACIFIC.

1. FIJI.

Ordinances passed—53.

Criminal Procedure.—Ordinance No. 4 amends Ordinance No. 6 of 1875 by the insertion of a new section relating to the depositions of medical witnesses.

Water (Hydro-Electricity) Leases.—Ordinance No. 10 provides for the issue of licences to prospect for water-power for the purpose of generating hydro-electricity.

Indian Immigrants Repatriation.—Ordinance No. 24 provides for the repatriation of Indian immigrants, the expenses incidental to the provision of such passages being charged to general revenue. The Governor may appoint such lands or buildings as he thinks fit for the purposes of a repatriation depot, and may make regulations for the residence therein of any person granted a passage and awaiting embarkation, and for fixing the rates to be charged for the board of any such person. The expenses of maintenance and management of the depot other than that of providing board shall be charged to general revenue. The Ordinance enumerates the persons entitled to claim a passage, and in the case of an

immigrant's child under twelve years of age such claim must be made through his parent or guardian, and the parent or guardian must accompany the child on the voyage.

Indian Orphans.—Ordinance No. 25 authorizes the Secretary for Indian Affairs to order, subject to such conditions as may be approved by the Governor, the committal of any orphan to the care and custody of a guardian, the general revenue to be charged with the sums necessary for maintenance. The penalty for unlawful interference with a guardian or removal of an orphan from his care is a sum not exceeding £20 or a term of four months' imprisonment.

Bastardy.—Ordinance No. 27 is a consolidation and amendment of the law of bastardy.

Radio.—Ordinance No. 29 makes provision for the control and regulation of radio activities, except those of the navy and military forces, by the Postmaster-General, and for the licensing of experimenters, broadcasters, listeners, dealers and every person who transmits or receives by radio.

Workmen's Compensation.—Ordinance No. 32 authorizes the Chief Justice to make rules for the receipt and administration by the Supreme Court of sums awarded under the law of one part of the Empire to beneficiaries resident or about to reside in the Colony.

Electricity Supply.—Ordinance No. 47 relates to the granting of licences for the generation, distribution and supply of electricity in the district of Rewa.

Administration of Estates.—Ordinance No. 50 provides that the District Commissioners and the Resident Commissioner of Rotuma shall act as District Administrators instead of, as at present, the Curator of Intestate and Vacant Estates. The Ordinance sets out the duties and powers of the District Administrator and the procedure and mode of administration.

2. WESTERN PACIFIC.

i. The Gilbert and Ellice Islands.

Ordinances passed—5.

Native Laws.—By Ordinance No. 1 any prisoner who escapes from prison or from the custody of a policeman or warder shall be punished by the Native Court. Punishments for profanation of religion, perjury and travelling without a permit are also added to the principal Ordinance.

Native Medical Practitioners.—Ordinance No. 5 provides for the licensing by the Senior Medical Officer of any native who holds a certificate in medicine and surgery granted by the Central Medical School in Fiji.

ii. British Solomon Islands Protectorate.

King's Regulations passed—8.

Quarantine.—Regulation No. 1 is a comprehensive measure which accords with the recommendations of the International Sanitary Conference, 1926.

Arms and Ammunition.—No. 3 regulates the sale, possession and use of firearms, and provides for the issue of licences therefor. The Regulation also restricts the supply of arms and ammunition to natives.

Residence on Native Land.—No. 6 provides that no non-native, with

certain specified exceptions, may reside on any native land without a written permit from the Resident Commissioner. The written consent of the occupier or owner of the land must accompany the application for a permit. Native land is defined to mean land owned by natives or subject to the exercise by natives of customary rights of occupation, cultivation or other user, but does not include land lawfully leased or land over and in respect of which rights have been lawfully acquired.

Wild Birds Protection.—No. 7 gives the Resident Commissioner power to declare by proclamation published in the *Gazette* any island, islands or any part or parts of an island or district within the Protectorate to be a sanctuary for birds.

Preservation of Order.—No. 8 consolidates the Preservation of Order Regulations, 1922–27.

iii. The Kingdom of Tonga.

Acts passed—21.

Wireless Telegraphy.—No. 6 provides for the regulation of wireless telegraphy and prohibits the establishment of any wireless telegraph or telephone station, or the installation or working of any apparatus for wireless telegraphy or telephony except under licence.

Weights and Measures.—Act No. 10 provides that the standard weights and measures of the Kingdom shall be those of the United Kingdom of Great Britain and Northern Ireland.

Dangerous Drugs.—No. 11 gives effect to the terms of the Geneva Convention, 1925, regulating the importation, exportation, manufacture, sale or use of drugs and poisons.

Legitimacy.—No. 18 amends the law relating to legitimacy and provides for legitimation by subsequent marriage.

Dogs.—Act No. 19 provides that a dog seen biting any person or animal may be destroyed by the spectator without being answerable to the owner of the dog. The owner of any cattle, poultry, etc., may destroy a dog at large amongst them. The owner of a dog is liable in damages for injury done by his dog, and it is not necessary for the party seeking damages to show a previous mischievous propensity, or the owner's knowledge of such, or that the injury was attributable to neglect on the part of the owner of the dog.

Lotteries.—No. 21 provides that the Minister of Police, before issuing a licence for a raffle, shall, where practicable, inspect the article to be raffled, and if the sum proposed to be raised by the raffle appears to him excessive as compared with the fair value of the article, he may either refuse to issue a licence, or issue a licence subject to such conditions as may from time to time be imposed by the Cabinet.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* A. A. Schoch, Esq., *Senior Law Adviser.*]

Of the forty-two Acts passed by the Union Parliament in 1930 the following are of general interest:

Co-operative Societies.—Act No. 2 amends the Co-operative Societies Act, 1922, in various respects, so as to extend its scope and increase

its utility. Only its most important provisions can be referred to hereunder.

The original Act requires at least twenty-five persons for the formation of a co-operative trading society with limited liability, but Act No. 2 of 1930 amends the original Act so as to enable any seven or more persons to form a co-operative trading society with limited liability, if it is formed for the purpose of manufacturing and disposing of any commodity under a co-operative system.

The original Act limits membership of co-operative agricultural societies or companies to persons carrying on farming operations in the Union; the present Act enables any person resident in the Union to become a member of any such society or company formed for the purpose of farming under a co-operative system. Furthermore, the Act under consideration extends the objects for which a co-operative agricultural society or company may be formed, enabling it to carry on farming operations and to dispose of the products of such operations, to advance moneys to its members on delivery of their produce, or, in the case of a wine-growers' co-operative society, without any such delivery of produce, and to handle produce or livestock produced or raised by an institution controlled by the Government; but a co-operative society or company is, with certain specified exceptions, now expressly debarred from dealing with non-members, unless the Minister of Agriculture consents thereto.

The Act under consideration also provides for the inspection of the records of a co-operative company or society by a nominee of the Minister of Agriculture, for the appointment of liquidators by the Minister when a society or company is dissolved under certain provisions of the original Act, for a more satisfactory division of assets on dissolution of a society or company, for an increased exemption of a society or company from income-tax in respect of certain revenue, for the amalgamation of two or more societies or companies, and for sanctions to compel the sale of products through societies or companies in certain areas gazetted for the purpose under Act No. 38 of 1925.

Coloured Persons' Settlements.—Act No. 3 is intended to apply primarily within the division of Gordonia in the Cape Province only, but the Governor-General may extend its provisions to other areas in that Province. It empowers the Governor-General to proclaim certain Crown land as coloured persons' settlement areas, provides for the management of any such area by a board consisting of a magistrate and two other officials nominated by the Minister of Lands, defines the various functions of the board and contains detailed provisions in regard to the acquisition, surrender, cancellation and transfer of rights of occupation of land in such an area. Provision is also made for the election of local committees for coloured persons' settlement areas or for different wards therein, to assist in the administration of the areas for which they are constituted. The Act contains certain restrictions on the sale, conveyance or delivery of intoxicating liquor and on trading in a coloured persons' settlement area and provides for the ejectment and punishment of trespassers on such areas.

Public Auctions of Livestock and Produce.—Act No. 4 considerably amplifies Act No. 22 of 1925.

It extends to agents or factors for the sale of produce or livestock certain restrictions which were previously applicable only to auctioneers, requires persons acting as auctioneers, agents or factors for the sale of

produce or livestock to give security for the fulfilment of their obligations towards their principals, and empowers a principal who has delivered any produce or livestock to an auctioneer, agent or factor for sale, to require the latter to produce to such principal or an accountant nominated by him for inspection any book or document in his possession relating to such produce or livestock.

The Act introduces several innovations of considerable importance. It compels an auctioneer entrusted, by different principals, with the sale of produce or livestock to sell each principal's goods separately from the goods of another principal, unless otherwise instructed. Furthermore, the Act requires an auctioneer selling produce other than wool, mohair, hides, skins and ostrich feathers to put up that produce for sale in single units, unless no bid is made for any single unit, and debars him from imposing the condition that a purchaser of any unit shall be obliged to purchase any further number of units, but the purchaser of any unit is entitled to purchase any number of similar available units belonging to the same principal without further auction. For the purposes of this provision a " unit " is defined as " the quantity of any agricultural produce which, according to the custom prevailing at the place where such produce is sold, forms the basis upon which the price of such produce is calculated, except where such produce is contained in an unbroken package, in which case such unbroken package shall constitute a unit." This unique provision is designed to eliminate a malpractice which has, in some centres, made it almost impossible for the consumer of agricultural produce to buy such produce on the open market. A market auctioneer having received, say, a consignment of fifty boxes of fruit for sale, may auction the fruit on the basis of the price offered for one box, but refuse to deliver to any purchaser unless he " takes the balance," thus compelling the highest bidder to take the whole consignment on the basis of the price offered for the first box. The result of this practice was that only dealers in produce could compete, thus compelling the consumer to purchase from a dealer at a much higher price than the one obtained by the producer on the market.

Lastly, the Act contains a provision requiring an auctioneer, agent or factor who has sold any produce on a market controlled by a local authority, to submit, within seven days thereafter, to his principal a statement of the prices realized, under the signature or official stamp of the person in charge of such market.

Diseases of Stock.—Act No. 5 is mainly an amendment of Act No. 14 of 1911, but an entirely new departure is made in an amplification of s. 12 of Act No. 14 of 1911, which deals at length with the disposal of carcases of animals which have died in certain proclaimed areas, with a view to eliminating the blow-fly (a serious menace to sheep farming) which lays its eggs in carrion.

The Act under consideration also contains a provision to the effect that in any criminal proceedings in connexion with a charge of failing to report that any stock has become infected with disease, lack of knowledge of the existence of such infection shall be no defence unless the accused proves that he took all reasonable steps to discover the infection.

Packing and Marking of Agricultural Products.—Act No. 6 is a short Act applying to hides and skins intended for export, to wool, lucerne, wheat and tobacco, and to any other product of farming operations

which the Governor-General has, under the authority of a resolution of both Houses of Parliament, declared to be subject to the Act.

The Act prohibits the sale of any products to which it applies, unless they are packed and labelled or marked in manner prescribed by regulations which the Minister of Agriculture is empowered to make.

Immigration.—Act No. 8 provides that only fifty persons born in any particular country not included in a list of specified countries forming a schedule to the Act may enter the Union in any one calendar year, and even those fifty may only enter if they are in possession of a permit. The qualifications which an intending immigrant must possess in order to be furnished with such permit and, if there are more than fifty qualified applicants for such permits, the order in which the applicants will be included in the fifty who may be permitted to enter the Union are to be determined by regulations made by the Governor-General.

The Act provides, however, that any person who is debarred from entering the Union as an immigrant may be granted permission to enter for temporary purposes or to travel through the Union. Moreover, a body called the Immigrants Selection Board, appointed by the Governor-General, is empowered to permit any number of persons not exceeding one thousand, born in any country excluded from the aforementioned schedule, to enter the Union, in addition to the fifty referred to above, provided they satisfy certain requirements. This Board is given absolute discretion to refuse any application for any such permit, except in regard to wives or minor children of persons who were permanently resident in the Union at the commencement of the Act, to whom the Board must grant permits, up to a maximum of 750 in any one calendar year (to be included in the one thousand referred to above), irrespective of any other qualifications.

The Act also provides that any person entering the Union (other than a person proved to have been born therein) who fails, when required by an immigration officer, to produce a passport containing certain prescribed particulars, shall be regarded as a prohibited immigrant.

Restriction on Importation of Wheat.—In order to prevent the sale of imported wheat at prices below those for which wheat can be produced economically in the Union, Act No. 10, the body whereof consists of but six lines, was passed to empower the Minister of Finance to prohibit, control or regulate the importation of wheat into the Union and to make all such regulations as he deems necessary to give effect to any such prohibition, control or regulation.

University of Pretoria.—Act No. 13 is a private Act which confers the status and privileges of a university on the Transvaal University College on very similar lines as was done by Act. No. 13 of 1916 in the case of the University of Stellenbosch, by Act. No. 14 of 1916 in the case of the University of Cape Town, and by Act. No 15 of 1921 in the case of the University of Johannesburg.

Customs Agreements between the Union and the Rhodesias.—Act No. 17 ratifies as far as the Union is concerned the two customs agreements entered into between the Union Government and the Government of Southern Rhodesia and between the Union Government and the Government of Northern Rhodesia, which agreements are embodied in two schedules to the Act and given force of law. These agreements (which are practically identical) supersede a prior trilateral agreement entered into by the said Governments in 1924 and ratified by Act No. 7 of 1925.

The agreements provide for a free interchange of products and manufactures of the territories of the contracting parties, subject to a number of detailed exceptions specified in the agreements, the most important whereof relate to liquors, tobacco and cattle. The agreements also contain a clause whereunder each party undertakes to account to the other party for the customs duty collected on goods imported into the first party's territory from elsewhere and thereafter removed to the territory of the other party, subject to a deduction of 5 per cent. to cover the cost of collection.

Enfranchisement of Women.—After a Bill extending the franchise to women had been introduced into and rejected by the House of Assembly on numerous previous occasions, the legislature at last, by Act No. 18 of 1930, conferred upon major women who are Union nationals wholly of European descent, and who have not been convicted of treason or murder or, within a specified period prior to registration, been sentenced to imprisonment for any offence, the right to be registered as voters at elections of members of the Union House of Assembly and of Provincial Councils, even if they do not possess any other qualifications which the electoral law may prescribe for men in any particular Province.

Under this Act a female voter may also be elected as a member of the Senate, the House of Assembly or a Provincial Council, if she possesses the qualifications required of male voters for such membership.

Riotous Assemblies.—Act No. 19 was passed to enable the authorities to cope with the activities of agitators who cause friction between Europeans and natives.

Act No. 27 of 1914 empowers a magistrate, on the authority of the Minister of Justice, to prohibit a particular public gathering which is expected seriously to endanger the public peace. That power does not, however, extend to all meetings generally within the magistrate's area of jurisdiction, nor to meetings which, although clearly expected to arouse the strongest ill-feeling between black and white, are not expected to lead to immediate acts of violence. Nor does that Act provide any means to prevent a particular known agitator from attending a public meeting and there arousing his audience to racial hostility. In regard to these matters the Act under consideration extensively amplifies Act No. 27 of 1914.

It empowers the Minister of Justice to prohibit any meeting in a public place within a defined area and during a specified period or to prohibit any particular person from attending any such meeting, if he is of opinion that the holding of that meeting or the attendance of that particular person at that meeting would engender feelings of hostility between the European and non-European inhabitants of the Union.

The Act also empowers the Governor-General to prohibit the dissemination of certain publications which are in his opinion calculated to engender such feelings of hostility as aforesaid, but on the application of any person affected by such prohibition the Supreme Court may set such prohibition aside on proof that the publication in question is in fact not of such a nature that the natural and probable result of its dissemination will be to engender such feelings.

Further, the Act empowers the Minister to prohibit a particular person from being in a defined area if he is promoting therein such feelings of hostility as aforesaid, but the Minister must, at the request of the person affected, furnish him with the reasons for such prohibition and with a

statement of so much of the information which induced the Minister to issue the prohibition as can be disclosed without detriment to public policy.

A contravention of any of the prohibitions referred to above constitutes an offence, on conviction whereof the offender may be deported, if he was born outside the Union.

Industrial Conciliation.—Act No. 24 extensively amends and amplifies the Industrial Conciliation Act, 1924, but without effecting any important alteration of the principles underlying the amended Act, except possibly in one respect, viz. in that the Minister of Labour has now been empowered to determine, upon the recommendation of an industrial council or conciliation board whose agreement has been made binding, a minimum wage and a maximum number of working hours for certain native workers who are otherwise excluded from the operation of the Act, in order to prevent an evasion of the said agreement by the employment of natives on terms less favourable than those provided for in the agreement.

Currency and Banking.—Act No. 26 amends the Currency and Banking Act, 1920, and *inter alia* prohibits the application to any future company, firm, business or undertaking of any name, style or description in which the word " bank " or any derivative thereof occurs, without the Treasury's permission.

Forestry.—Act No. 28 amends the Forest Act, 1913, and empowers the Governor-General to control the export from or removal within the Union of any trees or portions or products of trees, with a view to preventing the export of inferior wattle bark which is detrimentally affecting the wattle bark industry.

Customs.—Act No. 32 amends the Customs Tariff and Excise Duties Amendment Act, 1925, and consolidates the numerous amendments made in the customs tariff since 1925.

Financial Adjustments.—The Financial Adjustments Act (No. 34) has become an annually recurring Act in which mainly financial matters but frequently also other matters are dealt with.

The Act under consideration makes provision *inter alia* for the following matters: (1) The payment to any other State of a share in the profit made on the manufacture of subsidiary coin minted in the Union for use in that State; (2) the establishment of a Coinage Fund from part of the profit derived from the manufacture of subsidiary coin minted in the Union; (3) the establishment, by the legislature of the mandated territory of South West Africa, of a Land Settlement Fund; (4) the amplification of the Public Service and Pensions Act, 1923, in order to enable public officers injured while on duty to obtain free hospital treatment and artificial limbs or other mechanical devices necessitated by such injury; (5) an increase in the number of members of the central board of the Land and Agricultural Bank and an alteration in their tenure of office; (6) an increase of the amount which the said bank may advance to a landowner to produce a water supply and an extension of the period of repayment of the advance; (7) an extension of the period of repayment of fencing loans advanced by the said bank to landowners.

Dairy Industry.—Act No. 35 is a comprehensive measure supplementing and amending the Dairy Industry Act, 1918, and designed mainly to further the interests of the producers of milk, butter and cheese. It provides for the establishment of a Dairy Industry Control Board, which is to be a body corporate, consisting of eighteen members representing the

various branches of the dairy industry. The Act confers extensive powers on the Board, the most important of which are the powers to impose a levy on all butter, butter substitutes and cheese imported into the Union, and on all cheese, butter substitutes and certain classes of butter manufactured in the Union, to expend the funds so collected on its administration and the payment of a bounty or premium on all cheese and butter exported from the Union, to call for returns from manufacturers of certain dairy produce and to control the export of such produce. The Act provides for the prohibition by the Government, on the recommendation of the Board, of any importation or export of butter, butter substitutes or cheese, or of the establishment of creameries, cheese factories and other similar institutions which would come into undue competition with existing institutions. The Act contains numerous detailed provisions dealing with the examination, testing, weighing, grading, packing and labelling of dairy produce, the prevention of adulteration or contamination of such produce, the requirements for factories of such produce, the basis upon which the price of milk supplied to cheese factories shall be calculated, the furnishing of data by creameries and cheese factories to their suppliers of cream and milk respectively, and the checking of those data.

Fuel Research and Coal.—Act No. 36 provides for the establishment of a Fuel Research Institute which is to be a corporate body and whose main function will be to investigate the fuel resources of the Union, to undertake research work on all matters relating to fuels and to grade coal for export. The institute is to be governed by a Fuel Research Board consisting of five members, one of whom is to represent coal companies operating in the Transvaal and the Orange Free State and one of whom is to represent coal companies operating in the Cape Province and in Natal. The objects of the institute are to be carried out by a Director (to be appointed by the Board), with the assistance of a Technical Advisory Committee (likewise appointed by the Board). The Act further deals with the examination, testing and grading of coal by the institute and the issue of grading certificates. The expenses of the institute are to be defrayed partly from public funds voted by Parliament and partly from the proceeds of a levy on the coal produced by collieries with an output of 25,000 tons or more per annum. The Act empowers the Minister of Mines and Industries to prohibit the export of coal in case of shortage in the Union, and the Railway Administration to requisition coal from collieries in case of need.

Motor Carrier Transportation.—The main object of Act No. 39 is to prevent newly introduced motor freight or passenger services from coming into undue competition with existing transport facilities—more particularly with the railways. But it applies only to the carriage of goods or passengers for reward on vehicles designed to carry goods or more than eight persons.

The Act provides for the proclamation of various transportation areas and routes. Each such area and route falls under the jurisdiction of a local board, from whose decisions an appeal lies to a central authority styled the Road Transportation Board. Any proclaimed route falling within more than one proclaimed area comes under the direct jurisdiction of the central board. The main function of a local board is to determine the volume and nature of motor goods and passenger traffic which shall be permitted to operate within its area or over its route and to issue certificates for any such traffic which it has sanctioned.

Within a proclaimed area or over a proclaimed route any traffic to which the Act applies is prohibited under a criminal sanction, unless authorized by a local board or the central board. Traffic which was in operation on February 23, 1930, in any area or on any route proclaimed under the Act and which continued in operation to the date of proclamation is safeguarded, but the board concerned may, six months thereafter, reduce its volume.

A carrier who has obtained a certificate from a board may not, without sufficient reason, refuse to accept for conveyance any goods or passengers for which his vehicle is intended, nor is he permitted to charge more or less than the rate which the certificate may specify or require him to publish or than the rate ordinarily charged.

The Act contains a provision, to be brought into operation by Governor-General's proclamation, which requires the giving of security for compensation by the owner of a motor vehicle to which the Act applies for any damage which may be sustained in connexion with that vehicle. This provision is therefore a form of compulsory insurance against third party risks. But in order to avoid any possible conflict with provincial legislation, it is provided that any similar security prescribed by any other law shall suffice for the requirements of the Act under consideration.

The cost of administering the Act is to be defrayed from the Railways and Harbours Fund, and all moneys received by the various boards for their certificates are to be paid into that fund.

The Act expressly binds the Railway Administration (which is a Department of State), except in regard to giving the security for compensation referred to above.

Agricultural Warehouses.—Act No. 42 empowers the Minister of Agriculture to declare certain approved premises to be agricultural warehouses and to license their owners as warehousemen. Before any person (other than the Railway Administration) can be licensed as a warehouseman he must give security for the fulfilment of his obligations towards those who will deposit goods with him.

A warehouseman is bound to accept any products for the storage whereof his warehouse is intended if any space is available therein, but, on the other hand, he has a lien on the products stored for his storage charges, and if these fall in arrear he may sell the products and deduct his charges from the proceeds.

On receiving any products for deposit in his warehouse, a warehouseman must issue a receipt therefor. The Act under consideration makes a warehouse receipt a negotiable instrument and enables its holder to transfer it, by endorsement and delivery, to another person, either by way of pledge or by way of transfer of ownership, and thereupon the products represented by the receipt are deemed to have been pledged or transferred as effectively as if they had been actually delivered to the recipient of the warehouse receipt. Moreover, in the case of transfer of a warehouse receipt by way of a pledge, the Act enables the pledgee to realize the products pledged more conveniently than he would be able to do in the case of an ordinary pledge of moveables under the common law.

The Act provides that a holder of a warehouse receipt holds it free from mere personal defences available to the prior parties thereto among themselves, thus in effect modifying to a certain extent the common law rule, that a person cannot transfer greater rights than he himself possesses.

The Act provides that a warehouseman who has issued a receipt must, on presentation of that receipt by the holder thereof, return the products represented by the receipt, but he is exempted from liability for any loss which he proves to have been caused otherwise than by fire (against which he is expected to insure) or the wrongful acts of himself or his agents.

Provision is also made for the issue of duplicate receipts in case of loss or destruction of such receipts.

In the past the Railway Administration has been issuing elevator receipts for grain stored in its elevators. These elevators will have to be licensed as warehouses under the Act, but the Administration may continue to designate as " elevator receipts " the receipts issued for grain stored in its elevators, although these receipts will otherwise have to comply with the requirements laid down in the Act for warehouse receipts.

A special feature of the Act is one of its sections dealing with so-called " rail-surety-notes " which the Railway Administration is empowered to issue for export grain received by it for conveyance to a harbour. Such a rail-surety-note may be endorsed and transferred by the holder to another person by way of pledge (but not by way of transfer of ownership) in the same manner as a warehouse receipt.

Of the other Acts passed in 1930, some contain various amendments of existing Acts, without introducing any new principles, and the balance consists of financial measures of a temporary nature.

2. CAPE OF GOOD HOPE.

[It is hoped to publish this Summary in the next *Review*.]

3. NATAL.

[*Contributed by the* Hon. Mr. Justice Lansdown.]

The legislation for the calendar year 1930 of the Provincial Council of the Province of Natal, Union of South Africa, is comprised in sixteen Ordinances, the most important of which are concerned with the extension and improvement of local government.

Supply.—Additional appropriation for the financial year 1929–30 is granted by Ordinance No. 1. Partial appropriation for the financial year 1930–31 is granted by Ordinances Nos. 2 and 5, and the substantive appropriation for that year by Ordinance No. 8.

Pensions.—Special pensions and retiring benefits are extended by Ordinances Nos. 4 and 9 to a number of persons in the service of the Provincial Administration ; and by Ordinance No. 10 provision is made as to retiring allowances or other financial benefits payable to non-European school teachers for whom no such provision is made under any other law. The Fund created for this last-mentioned purpose is to be administered under the direction of the Administrator, and to be constituted by contributions from the prospective beneficiaries and by contributions from the Provincial Revenue of sums equal to the aggregate of the ordinary contributions by prospective beneficiaries and of interest paid thereon by them.

Local Government.—By Ordinances Nos. 12 and 13 additional borrowing powers are conferred upon the boroughs of Dundee and Ladysmith

respectively. By Ordinance No. 11 extended borrowing and other powers are vested in the Town Board of the township of Isipingo Beach. By Ordinance No. 15 additional powers in respect of electricity supply and the granting of rebate in respect of water rates are extended to the City Council of the city and borough of Pietermaritzburg, and by Ordinance No. 16 certain additional powers are conferred on the Town Council of the borough of Durban.

An important provision, supplementary to those presently existing, for the creation of local government authorities is contained in Ordinance No. 14, which enables the Administrator, in areas which do not fall within the jurisdiction of any other local authority, to constitute Health Committees charged with the maintenance of the health of the inhabitants, with the performance of duties imposed by the Public Health Act and with such other duties as are prescribed in the Ordinance. These committees are to be bodies corporate, and provision is made for the appointment, by election, of their members. Powers for the assessment and recovery of rates are conferred upon such committees, and the Administrator may, in respect of any health committee area, exercise power of regulation in a number of specified matters.

By-roads.—The provisions of the presently existing Ordinance for the creation and maintenance of by-roads are supplemented by a number of amendments contained in Ordinance No. 6.

Road Traffic.—This subject receives attention in Ordinances Nos. 3 and 7. By the former provision is made for regulations which may prohibit any kind of racing or testing the speed capacity of motor-cars or other vehicles or cycles, either generally or upon any specific road or part of a road, except with the approval of the Administrator and under such conditions as he may determine. No such approval is to authorize any person to exceed any prescribed speed limit. By Ordinance No. 7 provision is made for the appropriation to local authorities of the fines imposed for motor traffic offences within their areas, and for the payment in respect of any motor vehicle registered or licensed outside of Natal, of a tax, where, in the opinion of the Administrator, whose decision in the matter is final, such vehicle is habitually used in the Province of Natal.

4. ORANGE FREE STATE.

[*Contributed by* H. PRING, ESQ.]

The Provincial Council of the Orange Free State during the year 1930 passed fifteen Ordinances. Four of these were Appropriation Ordinances, viz. Nos. 1, 2, 3 and 14.

Dog Tax.—Ordinance No. 5 repeals certain provisions of the Dogs Ordinance No. 7 of 1921 and of the Vermin Destruction Ordinance No. 8 of 1926 and the whole of the Tax on Greyhounds Ordinance No. 5 of 1925. The Ordinance withdraws entirely the exemption from the payment of the dog tax granted in respect of dogs owned by vermin hunt clubs and by members of such clubs and repeals the special tax of £5 on greyhounds.

Education.—Ordinance No. 4, entitled the " Education Laws Consolidation Amendment Ordinance," provides, in so far as the retirement of teachers is concerned, that in future all legal proceedings against the Administration shall be commenced within twelve months of the cause of action arising and for the Administration to be given at least a month's notice that such proceedings are contemplated. A case had been brought

against the Administration by a teacher eight years after his retirement, and the Administration was threatened with several other actions arising out of retirements effected a number of years previously owing to the fact that the interpretation of the law in regard to the retirement of teachers which had hitherto prevailed had been held by the courts to be incorrect.

Subsection (3) validates the suspension, dismissal, discharge, termination of appointment, retirement or transfer of teachers made prior to April 30, 1930, the object being to prevent the multiplication of actions against the Administration by persons who accepted their retirement and who had not contemplated a claim against the Administration until the decision above referred to was given by the courts.

The Union Government was unable to recommend that His Excellency the Governor-General should give his assent to this Ordinance. It was doubtful whether the Ordinance was *intra vires* the powers of the Provincial Council in view of the fact that it dealt in effect with the extinction of actually accrued rights of action rather than with education matters.

Assent was therefore withheld, but legislation to meet the position referred to in the Ordinance was passed by the Union Parliament in the Financial Adjustments Act No. 34 of 1930.

Ordinance No. 15 consolidates all existing laws in connexion with education in the Province, embodies several new principles which had been suggested and effects certain improvements where experience had shown that these were necessary. The Ordinance deals, *inter alia*, with: (*a*) The general control, supervision, and direction of public education; (*b*) the Department of Education; (*c*) school boards—including their powers and duties; (*d*) school committees; (*e*) local management of schools not under the supervision of boards; (*f*) compulsory education; (*g*) free education; (*h*) religious instruction; (*i*) bilingual education; (*j*) the division of schools into three classes, viz. private schools, aided private schools and public schools; (*k*) teachers; (*l*) pensions and gratuities.

Game Protection.—Ordinance No. 8 amends the Game Protection Ordinance No. 13 of 1914, and provides a penalty for the hunting of game at night or on a Sunday in view of the fact that night poaching from motor-cars had increased.

Hospitals and Charitable Institutions.—Ordinance No. 7 amends the Hospitals and Charitable Institutions Ordinance No. 11 of 1929. The object of the Ordinance is to define the powers of a hospital board in the matter of the remission of hospital fees.

Local Government.—Ordinance No. 13 amends the Local Government Consolidation Ordinance No. 11 of 1925 as follows:

S. 1 provides (*a*) a special form in which all applications for enrolment on the voters' list must be made and (*b*) a penalty in the case of wilful misstatements in such application; s. 2 provides for the signature by the revising officer of the voters' list when completed; s. 3 empowers a Town Council to contribute towards a Municipal Pension Fund and, when its liability is limited to such contributions, to vest the management of such fund in a committee; s. 4 empowers a Town Council, with the consent of the Administrator, to establish a Municipal Valuation Department. The appointment of the person or persons in charge of such department to be subject to the approval of the Administrator and the

tenure of office of such persons to be safeguarded in much the same way as is done in the case of sanitary inspectors in Act No. 36 of 1919; ss. 5 and 6 amend the rating provisions of Ordinance No. 11 of 1925 in such a way as to ensure that by adopting the site valuation or partial site valuation system a Town Council will not forfeit any continuing rating authority possessed by it at the time; extends in a limited form the continuing rating authority so as to cover rates levied for general municipal purposes and generally to make somewhat less obscure the provisions relating to site valuation and partial site valuation; s. 7 enables the Town Council of Bloemfontein to charge for the removal of rubbish from shops and stores; s. 8 empowers municipalities to regulate, license, etc., bioscope apparatus and the persons operating such apparatus—also to regulate or prohibit the storing of bioscope film and raw celluloid; s. 9 makes it legal for a special justice of the peace to preside at a meeting held for the election of a village board of management; s. 10 applies to village boards the provisions of s. 102 of the main Ordinance (sale of derelict erven); s. 11 applies to village boards the same powers with regard to regulating fishing and the issue of permits therefor as are at present held by municipalities.

Pounds.—Ordinance No. 10 amends the Pound Consolidation Ordinance No. 5 of 1929 by (*a*) making better provision than previously existed in connexion with the claiming of trespassing stock before such stock had been sent to the pound; and (*b*) making it clear that the twenty-one day time limit during which grazing fees may be charged by pound masters does not apply to stock detained on behalf of the Government.

Roads.—Ordinance No. 12 amends the Roads Ordinance No. 6 of 1912 by (*a*) giving the Administrator certain powers with regard to the construction and maintenance of ponts over rivers—and the right to charge fees for the use of such ponts; (*b*) prohibiting the use on public roads of vehicles the wheels or "track" of which are furnished with projections likely to cause damage to the road surface; (*c*) limiting the time during which actions for damages may be brought against the Provincial Administration in regard to roads and bridges and acts performed by officers of the Administration in connexion therewith.

Special Road Boards.—Ordinance No. 11 amends the Special Road Boards Ordinance No. 5 of 1926. This amendment gives effect to a resolution of the Provincial Council that an application for the closing (deviation, etc.) of a road, once dealt with, shall not thereafter be reopened until a stipulated period has elapsed (two years in the case of a decision by a District Road Board and three years when the case has been decided by a Special Road Board).

Shop Hours and Half-holidays.—Ordinance No. 9 amends the Shop Hours and Half-holiday Ordinance No. 6 of 1925 (*a*) to cover the demonstration to the public of wireless apparatus after the usual closing hour for shops (owing to the prevalence of atmospherics during the day the demonstration of such apparatus can best be effected at night); and (*b*) to make a restaurant keeper definitely responsible for the maintenance of and correctness of the entries in the hours register.

Wheel Tax.—Ordinance No. 6 amends the Wheel Tax and Road Board Consolidation Ordinance No. 8 of 1921 and the Compounded Wheel Tax Ordinance No. 7 of 1926. The main object of the amendment is to increase the Provincial Revenue by imposing a higher tax on motor vehicles and on trailers used in connexion with such vehicles.

The provision whereby all wheel tax moneys must be expended on roads is repealed.

5. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ.]

Ordinances passed: 22, of which 7 were Appropriation Ordinances.

Education.—Ordinance No. 18 amends s. 67 of the principal Act (No. 25 of 1907) as amended by Act No. 28 of 1908 by modifying the residence qualification for membership of school committees so as to permit residence not only within the school district but within six miles of its boundaries to qualify.

It further provides that no legal proceedings may be commenced against the Administrator or Director until one month after written notice thereof has been served, and that action after twelve months following the act or omission complained of shall be barred.

Teachers' Pensions.—Ordinance No. 17 amends the principal Ordinance (No. 5 of 1916) by permitting female officers to retire on pension at the age of 50; and for the refund of teachers' contributions in circumstances specified in s. 3.

Local Government.—Ordinance No. 15 amends the principal Ordinance (No. 11 of 1926) by, *inter alia*, (i) prohibiting municipal officers from engaging in remunerative outside work except by special permission to be granted by resolution; (ii) by enabling councils, when alienating immoveable property under s. 79, to make conditions as to the style, class or value of buildings to be erected thereon, for restricting the use or purpose thereof, and the ownership and/or occupation thereof to certain classes of persons; (iii) increased powers for regulating motor traffic, and prescribing the use of automatic traffic signallers; and (iv) empowering any local authority to establish and maintain aerodromes either by itself or jointly with other councils, and within or without its limits.

Local Government Superannuation.—Ordinance No. 16 enables local authorities not already so empowered to establish pension funds or other financial benefit schemes for their employees upon retirement, in accordance with the provisions of this Ordinance; which may also be adopted by local authorities associated with the existing "Joint Fund" or provided with their own superannuation funds.

Roads.—Ordinance No. 8 makes the principal law, viz. the Local Authorities Roads Ordinance (No. 44 of 1904) applicable to village councils, and amends it in certain minor respects.

Provincial Roads in Municipalities Ordinance (No. 6) provides for the construction and maintenance of provincial roads, as defined, which run through local authority areas, and divides the burden between the provincial and the local authority.

Hospitals.—The Public Hospitals Amendment Ordinance (No. 19) amends the principal law (No. 18 of 1928) in certain respects, viz. by defining "free" and "privileged" patients; increasing the powers of hospital boards in regard to approved expenditure; and in regard to duty hours of nurses, and the liability of patients paying certain minima to pay the fees of their medical attendants.

Public Resorts.—Ordinance No. 7 empowers the Administrator to make regulations for the control and management of, and the establishment of, baths at "public resorts" as there defined.

Hawkers and Pedlars.—Ordinance No. 4 repeals and re-enacts, with certain consequential amendments, the Hawkers and Pedlars Ordinance (No. 11 of 1928) so as to apply only to hawkers and pedlars licensed under the Licences Consolidation Act No. 32 of 1925.

Personal and Income Taxes.—Ordinance No. 20 amends the principal law (No. 10 of 1928) as to the penalties payable on failure to pay the tax, and imposing upon an employer the duty of paying his employee's tax when the latter is in default, subject to the right to deduct the amount from wages due or to become due.

Horse Racing and Betting.—Ordinance No. 21 amends the principal law (No. 9 of 1927) by (i) repealing ss. 16 and 17, which prohibited the publication, etc., of betting information, or of persons who will lay bets or give such information; (ii) permitting the establishment of branches of Tattersalls and amending the constitution of Tattersalls committees; (iii) certain consequential amendments to the Regulations section as a result of (i) and (ii); (iv) providing for regulations to prohibit ante-post betting upon any race the prize or stake in which is less than £300; and (v) empowering Tattersalls committees to make charitable grants with the consent of the Administrator.

Vermin Destruction.—Ordinance No. 11 amends the principal law (No. 19 of 1925) by limiting "vermin clubs" to white persons; and the amending Ordinance (No. 5 of 1928) by empowering certain officers to demand and inspect books and documents of such clubs.

6. NORTHERN RHODESIA.

[*Contributed by* GODFREY PLACE, ESQ., D.S.O., M.C., LL.B., *Solicitor-General.*] [1]

During the year 1930, two Sessions of the Legislative Council were held, in March and November respectively, and forty-two Ordinances in all were passed.

Customs.—Two Customs Agreements were entered into by the Government of this Territory, namely with the Government of the Union of South Africa and with the Government of Southern Rhodesia respectively. The first of these, that with the Union of South Africa, superseded the Customs Agreement of 1924. Ordinance No. 1 of 1930 validates this new agreement, and more particularly Arts. 5 and 6 thereof, which deal respectively with liquor and tobacco, and which do not strictly conform to s. 13 of the Customs and Excise Duties Ordinance, 1925. Similarly, Ordinance No. 2 of 1930 legalizes the Customs Agreement with Southern Rhodesia, Art. 5 of which, it was felt, required validation.

Statute Law Revision.—Provision was made by Ordinance No. 6 for the preparation of a revised edition of the law.

Public Health.—By the Public Health Ordinance (No. 12) the Territory is provided with comprehensive machinery against the spread

[1] Charles Godfrey Morris Place died in London in December 1931, at the age of 45, when his career in the Crown Colony legal service, already distinguished, promised yet higher achievement. The son of Mr. G. W. Place, late I.C.S., he was educated at S. Columba's College and Trinity College, Dublin, where he graduated with honours in Legal and Political Science and as LL.B. Place was called to the Irish Bar, and became for a time an Examiner of Title in the Central Land Registry, Dublin. During the great war he served with distinction in the E. Surrey Regiment, reaching the rank of Major and receiving the M.C. and D.S.O. He subsequently went to Uganda as District Magistrate.

of disease and generally for the improvement of sanitary conditions in municipalities and townships. Provision is made for the appointment of a Central Board of Public Health to advise the Governor on all matters connected with health and sanitation. This Ordinance repeals the former legislation contained in the Epidemic and Contagious Diseases Proclamation and the proclamation providing for the inspection and destruction of food unfit for human consumption, the powers which were provided by those enactments having been replaced and amplified by the new Ordinance.

Medical Practitioners.—The law relating to medical practitioners and dentists was revised and consolidated (Ordinance No. 13), and a law was passed regulating the admission of veterinary surgeons to practise in the Territory (No. 14).

Workmen's Compensation.—A much wanted measure was introduced dealing with workmen's compensation. This enactment (No. 16), which mainly follows the law in force in Southern Rhodesia, provides for the payment of compensation to workmen—other than native—in respect of injuries arising out of and in the course of their work and not due to their own serious or wilful misconduct. It provides for an inquiry by a magistrate into the circumstances in which the injury was caused and contains a power to appoint medical assessors and other assessors of a technical nature where necessary.

Immigration.—A notable change in the immigration law was made by Ordinance No. 18. Under the old law (Proclamation No. 15 of 1915) no person born in Southern Rhodesia or in Bechuanaland could be regarded as a prohibited immigrant ; but as Southern Rhodesia has passed an act removing the reciprocal provisions with this Territory and Bechuanaland, the restriction contained in the 1915 enactment has been abolished.

Licensing.—The law in regard to the licensing of trades and businesses has been repealed and replaced by Ordinance No. 24. The free sale of merchandise has been restricted to goods which are the growth, produce or manufacture of Northern Rhodesia : a commercial traveller is defined and is required to take out a licence ; separate trading licences are required for each business and for each separate place of business, but in certain cases the fee for one business covers other businesses carried on in the same store. The powers of the licensing authority to refuse the grant, renewal or transfer of any licence has been restricted, and this power is now exercisable only in certain definite circumstances, *e.g.* when the applicant has been three times convicted for offences connected with his trade or business ; or when his premises do not fulfil the requirements of municipal or public health regulations.

Customs and Excise.—By the Customs and Excise Duties (Amendment) Ordinance (No. 25) the customs tariff of this Territory was altered in several matters of detail in order to bring it into line with the customs tariff of Southern Rhodesia. This Ordinance was passed pursuant to the provisions of Art. 2 of the Customs Agreement of Southern Rhodesia mentioned above. It contains also a further provision removing the excise duty on " scrap tobacco " and prohibiting the importation of trade spirits in accordance with Art. 2 of the Convention relating to the liquor traffic in Africa signed at St. Germain-en-Laye on September 10, 1919.

Penal Code.—The most important measure of the year (Ordinance No. 42) provides a Penal Code for the Territory. The introduction of a

code of this nature has been under consideration for some years. So far back as 1926 a conference of law officers was held at Nairobi in East Africa and a code which had been prepared by legal experts in England was examined and criticized. This code, as subsequently amended, was adopted with minor variations by all the East Africa Dependencies.

It is taken to a great extent from Nigeria, where a code founded on English law was introduced so far back as 1916. The effect of this code will be felt rather by those who administer the law than by those who break it, for inasmuch as it is a consolidation of the English criminal law, it does not depart from the principles which have guided the criminal courts of the Territory since its administration by the British South Africa Company.

It is hoped in due course to follow this enactment with a Code of Criminal Procedure ; but the preparation of the latter will be a laborious process, and it was thought undesirable to delay any longer the introduction of a Penal Code.

7. SOUTHERN RHODESIA.

[*Contributed by* A. E. SPEIGHT, ESQ., K.C., B.A., LL.B., *Solicitor-General.*]

Administration of Justice.—Act No. 3 provides for the appointment of a Chief Justice and so many other judges as may be appointed by the Governor. Hitherto the judiciary consisted of a senior judge and one puisne judge, but by this Act at least three judges are contemplated, as though civil jurisdiction may be still exercised by one judge or two, if two judges sitting together disagree, decision must be suspended until three judges are present.

Customs and Excise.—The chief object of Act No. 24 is to give effect to the Customs Agreements entered into between the Governments of the Colony and those of the Union of South Africa and of Northern Rhodesia. The noteworthy feature of these agreements is the free interchange of products, with certain exceptions such as liquor and tobacco.

Death Duties.—The Act of 1929 is amended by No. 19 to prevent double taxation in respect of assets which according to the law of Great Britain or Northern Ireland are taxable as being deemed to be therein.

Education : Compulsory.—Act No. 7 provides for the compulsory education of all children between the ages of seven and fifteen years. This education must be at some school unless the Minister is satisfied that other adequate arrangements are being made. Should the Minister be satisfied that the parent is unable to provide for education, he may be ordered to send the child to some school selected by the Minister, and in that event the Government will defray the whole cost of education and so much of the boarding fees and transport as the Minister deems necessary.

The Education Ordinance, 1903, is amended to give powers of inspection of private schools as well as of State-aided schools.

Interpretation of Statutes.—The existing law on this subject being the Cape Act of 1883, a more modern enactment (No. 10) was found necessary.

Intoxicating Liquor.—The previous law on this subject, consisting of numerous enactments dating back so far as 1883, was much in need of consolidation, and many amendments both in principle and detail were introduced. The whole subject is covered by the Act (No. 35), such as licensing courts, the issue of licences, the sale of and other dealings in liquor.

Licensing courts are given more powers and become the actual authorities for the issue of licences ; previously they merely made recommendations to the Governor. Meetings are annual, though interim meetings may be held for special purposes. Their proceedings are subject to review by the High Court, and any decisions on points of law may be appealed against.

The number of licences which may be granted in an urban area is restricted in proportion to the number of registered voters. Where this number is less than 600 only two licences may be granted, for which one may be a bottle licence.

The issue of club licences is subject to more conditions.

The conditions of sale under licence have been tightened. Retail licences do not authorize sale before 10.30 a.m. or after 11 p.m., and there must be a closed period of two hours between 1 p.m. and 5 p.m.

Late hours licences may not be given for a period of more than two hours after ordinary closing time. Licensed premises may not be open on Sunday and Good Friday, but provision is made for supply of liquor at meals and for the licensing courts to authorize the sale of liquor to residents in hotels and members of clubs during periods not to exceed four hours on these days.

Persons under the age of nineteen years may not enter bars or be supplied with liquor, nor may they be employed in bars.

The granting of credit for liquor is prohibited, and payment must be in cash, except in clubs where coupons may be used, which coupons must be paid for at the time of issue.

Greater powers are given to the police and full provision made for giving effect to the Act.

The fees for licences are increased considerably.

Land Apportionment.—Act No. 30 is of great importance, as it divides the Colony into areas for settlement by Europeans and natives.

All land in the Colony, excepting that already set aside as native reserves, is classified as one or other of the following areas, designated the European, Native, Undetermined, Forest and Unassigned Areas, the European area being such land as is not included in one of the other areas.

The Forest Area consists of two large stretches of Crown land between Bulawayo and the Victoria Falls, and is reserved for afforestation.

The Undetermined Area is certain farms on the fringe of the various areas forming the Native Area. Should any of the land be at any time disposed of to natives, then it will automatically fall within the Native Area.

The Unassigned Area, comprising nearly eighteen million acres, may from time to time be apportioned, with the consent of the High Commissioner, either to the Native or to the European Area as may be deemed necessary.

Pending such assignment, no alienation may take place, though limited leases may be granted.

The general principles governing the Native and European areas is that only persons of the class for which the areas are reserved should be permitted to occupy land therein. Existing rights are protected subject to the power of the Governor to expropriate on compensation either in the form of land or money. Natives may purchase land in the Native Area.

A Land Board is constituted with the Chief Native Commissioner as Chairman, and no land in the Native Area shall be acquired, or change hands, without a recommendation from such Board.

Protection is given to mining, also to educational and missionary institutions.

In addition to the provisions relating to the apportionment of land, Part VII of the Act deals with village settlements. These may be established near towns or other centres where large numbers of natives are employed. Areas may be set apart, if necessary land expropriated, for the use and occupation of natives and the provision of schools, etc., for their requirements.

Municipalities and other urban authorities may with the approval of the Governor set aside land for the sole occupation of natives, and thereafter natives may not own or lease land or premises within the remainder of the areas controlled by such authorities.

Existing rights are here also protected.

Moneylending.—Act No. 9 is entirely new legislation and follows largely the Union Act (No. 37, 1928), but the English precedent of requiring moneylenders to be licensed has been adopted. A magistrate's certificate is required, the licence being a personal one, and any licence may be suspended or cancelled on conviction of licensee. The utmost publicity is required in carrying on the business, and no moneylender may press his services on anyone. His books may be inspected.

The maximum rate of interest chargeable varies from 12 per cent. on a loan exceeding £50 to 30 per cent. if the loan does not exceed £10.

No person may recover more than the stipulated amount of interest plus certain specified fees of expenditure in connexion with the loan.

Natives are specially protected inasmuch as loans over £10 must be reported by the lender to the Native Commissioner.

The Act covers all transactions of moneylending, whatever form they may take, though bankers are relieved of certain provisions and pawnbrokers are excepted.

Municipalities.—This comprehensive measure (No. 36) is almost entirely a consolidation of eighteen enactments dated from 1897 to 1929. A few amendments have been included, the important ones being provisions for zoning and town planning, for the construction of dwelling-houses and the granting of housing loans, the relaxation in minor contracts of the rule against councillors being interested, and the introduction of the ballot system in all elections.

Native Tax.—The existing law on this subject is consolidated without amendment by Act No. 13.

Road Councils.—Act No. 21 consolidates existing law and introduces amendments. The Governor is given full discretion as to the institution of a council after a petition has been submitted, and his powers are increased in regard to alteration to areas. Interim amendments may be made to voters' lists. Transfer of rateable property may not be passed unless rates and fees have been paid. Loans may only be raised after due notice and with a two-thirds majority of rate-payers. On the abolition of a council the Civil Commissioner may levy a special rate to defray all liabilities due by the council.

Tobacco, Sale and Export.—Act No. 33 provides for the establishment of a board to regulate and control the sale and export of tobacco produced in the Colony. This board consists of from five to seven members, two

of whom are nominated by the Minister (one being chairman) and the remainder by producers.

No manufacturer in the Colony may acquire tobacco from any source except the board, nor may any other tobacco be used for purposes of manufacture. The board has the sole right of exporting duty-free tobacco, that is to say, tobacco which would fall within the quota permitted to be imported duty free in the Union of South Africa.

Tobacco is classified in pools and producers apply for their tobacco to be included in these pools by the board. The board arranges the sale and export of the tobacco, paying and distributing until the pool is wound up.

Villages.—The Village Regulations, 1898, are amended by Act No. 5 to permit of village boards, with the consent of the Governor, arranging for the supply of electricity and water to the inhabitants and if necessary obtaining loans for the purpose.

Workmen's Compensation.—By Act No. 17 the maximum amount of compensation on death of a workman has been increased from a sum equal to two years' wages or £500, to three years' wages or £750, that is to say, the same amount as is payable in case of total incapacitation. Provision is made for the payment of hospital and medical expenses up to £100 on total incapacitation.

Compensation is provided for death or incapacity resulting from certain scheduled industrial diseases.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by the* Hon. Sir Henry Moncrieff-Smith, Kt., C.I.E., I.C.S.]

The number of Acts passed in the Legislatures of British India in 1930 was almost identical with the outturn of the preceding year. A very large number of Bills was promoted by non-official members, particularly in the Central Legislature, but very few of these found their way on to the Statute Book. The number of Ordinances made by the Governor-General was for reasons explained below abnormal, but neither the Governor-General nor any of the Governors was called upon to exercise the powers conferred on them by the Government of India Act to make laws by means of recommendation and certification.

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—32.

Dangerous Drugs.—Every province in India has its own statute for the control of dangerous drugs. As a result of the convention adopted by the Second International Opium Conference at Geneva, India bound itself to take further measures to suppress contraband traffic in and abuse of dangerous drugs on the lines set forth in the convention. Act No. 2 was therefore passed dealing exhaustively with the subject, centralizing and vesting in the Government of India control of operations relating to dangerous drugs, enhancing the penalties and making them uniform throughout British India. In order to give effect to these measures, the Act makes a large number of amendments in all the provincial Acts.

Hindu Law.—Act No. 30 was the result of the passing of a Bill introduced by a non-official Hindu Member. Though it affected in one respect the Hindu law hitherto held to be applicable, it met with practically no opposition. It lays down that when a member of a joint Hindu family has acquired property by his own labours, as the result of his educational training, whether elementary or special, technical or scientific, the property shall be deemed to be his exclusively, notwithstanding the fact that his education has been paid for and, during the period of his education, he has been maintained by the joint family funds.

Sale of Goods.—Act No. 3 is a very important measure amending and codifying the law on the subject of the sale of goods. The law had hitherto been embodied in one chapter of the Indian Contract Act, No. 9 of 1872, and had remained practically unamended for nearly sixty years. It was therefore necessarily incomplete in view of the great development of modern business relations in India during that period. The new law is based mainly on the English Sale of Goods Act, 1893, and this fact has

the advantage of enabling the Indian courts to interpret the law in the light of the decisions of the English courts. Variations from the English model have necessarily been introduced to provide for those cases in which Indian mercantile practice does not follow that prevailing in England.

Provident Fund.—Act No. 1 further amends the Provident Funds Act, No. 19 of 1925, for two purposes. The law permitted withdrawals from a provident fund for the payment of premia on policies of life insurance; it now extends the principle to payments of subscriptions or premia to a family pension fund. The object of the second amendment is to enable the Government to extend the benefits of the Act to subscribers to the provident funds of approved public institutions whose activities are closely connected with those of the Government.

Finance Act.—Act No. 15 continues the existing rates of salt duty and postage for a further period of one year. It makes a slight increase of income-tax in the higher grades and, except for companies, in super-tax. It imposes an import duty of four annas an ounce on silver and increases the import duty on cotton piece goods from 11 to 15 per cent., this duty being still further varied by a subsequent Act, No. 17. A few changes of less importance are made in other import and export duties.

As the imposition of the import duty on silver would have the effect of raising the internal price Act No. 18 was passed to impose a countervailing excise duty of 4 annas per ounce on silver produced in India.

Tariffs.—The main object of Act No. 17 is to impose a protective duty of 20 per cent. on imported cotton piece goods manufactured elsewhere than in the United Kingdom. Goods produced in the United Kingdom were made subject to the revenue duty of 15 per cent. The discrimination was not, it was explained, due to a desire on the part of Government to introduce the principle of Imperial preference, but because in certain cases the great bulk of goods imported from Britain were not in effective competition with Indian-made goods, and therefore the imposition of a 20 per cent. duty on them would impose an additional burden on the consumer out of proportion to the benefits which it would confer on the Indian industry. The Act also continues for a further period of three years the protection afforded by Act No. 23 [1] of 1927. That Act was directed against Japanese mills, but though factory legislation in the meanwhile had improved the conditions of labour in Japan, it was explained that a similar situation had arisen in China, whose mills were therefore able to compete unfairly with the Indian mills.

The other Acts passed in 1930 were of no great importance. But it may be remarked that the Indian Income-tax Act, No. 11 of 1922, was amended three times; and that the law relating to Patents and Designs passed in 1911 and largely based on the British Act of 1907 was thoroughly overhauled and brought up to date by the incorporation of a considerable number of improvements effected in the English law by the Patents and Designs Act of 1919. It is also worthy of mention that a non-official Indian Member was the promoter of a Bill which became law giving the government power to fix maximum and minimum rates of freight and fares on inland steam vessels. Steps had to be taken by legislation to prevent the introduction through the medium of air transport of certain insect and other pests destructive to fruit and other crops.

[1] See *Journal of Comparative Legislation*, Third Series, vol. xi, pt. iii, p. 161.

2. MADRAS.

Acts passed—14.

Immoral Traffic.—Act No. 5 revises and extends the law on this subject. The law hitherto in force merely penalized solicitation and enabled the police to direct the discontinuance of the use of premises as a brothel. It applied moreover to the city of Madras only. The new law extends to the whole Presidency, and its provisions are of much wider scope, though a proposal to penalize persons other than the keepers of disorderly houses living on the earnings of prostitutes was rejected by the legislature. The Bill was promoted by a private member.

Local Self-government.—Acts Nos. 10 and 11 are lengthy and important measures consolidating and amending the law applicable to District Boards and Municipalities.

The other Acts passed in 1930 dealt for the most part with technical matters of little interest outside the Presidency.

3. BOMBAY.

Acts passed—26.

Immoral Traffic.—Act No. 12 amends the Bombay Prevention of Prostitution Act, 1923. The former law, unlike that in force in Madras, penalized persons living on the earnings of prostitutes, but did not apply to women. Females have now been brought within the mischief of the law. The penalties have been enhanced so as to enable the police to arrest offenders without warrant. So long as they could proceed only by the issue of a summons, the offender was left free to terrorize the girls in the house and so possibly destroy the only evidence against him. A penalty has also been imposed on landlords who fail to exercise the power conferred on them to terminate the leases of houses held by convicted persons.

Coroners.—The law relating to coroners had remained in force unamended for nearly sixty years and was based almost entirely upon principles of the law in England as it then existed. Act No. 13 introduces numerous amendments. A coroner is no longer required to empanel a jury for every inquest. If, as a result of the preliminary inquiry, he is satisfied as to the cause of death he can permit the body to be disposed of. He is no longer required to hold a separate inquest on each of several persons who have met their deaths as a result of a single incident. He is given power to deal with cases of contempt of court. The anomaly that a suspected person was treated as an " accused " has been removed, and, finally, there is a provision for the stay of proceedings before a coroner in cases where criminal proceedings have been instituted before a magistrate.

Registration of Documents.—Act No. 17 makes provision for the copying of registered documents by means of photography. Experience had shown that this method was far more satisfactory than the old system of making hand-written copies.

Police.—Act No. 24 reveals the fact that in towns in the Presidency other than the City of Bombay, there was no provision for enforcing the use of lights on vehicles and for prescribing the hours during which such lights should be used. The new Act remedies these defects and also contains provisions dealing with obstruction of traffic.

The rest of the legislation passed in the year was not worthy of comment.

4. BENGAL.

Acts passed—7.

Criminal Law.—Act No. 3 extends for a further period of five years the provisions of the Bengal Criminal Law Amendment Act, 1925, which enabled the trial of certain offences to be held before specially constituted tribunals. Details of the law were described in the Reviews of Legislation for 1924 [1] and 1925.[2] At the same time it repeals the provisions enabling action to be taken against persons suspected of certain offences. It was explained to the Council, however, that if an emergency necessitated the resumption of these powers, Government would take steps to secure them. A fortnight after Act No. 3 came into force this necessity arose. An outrage occurred at Chittagong as a result of which the Governor-General issued an Ordinance [3] giving the authorities all the powers for dealing with suspects which they had possessed under the former law of 1925. The duration of an Ordinance is six months only, and later in the year the Bengal Legislative Council passed Act No. 6, enacting with a few minor modifications the provisions of the Ordinance.

Rural Primary Education.—Act No. 7 is a comprehensive measure enabling an authority to be constituted for each district to control primary education, providing for the raising of the funds necessary for gradual development by means of the levying of cesses and taxes, and for the compulsory attendance at school of all children from six to eleven years of age, with certain well-defined exceptions.

The other four Acts were unimportant amending measures.

5. UNITED PROVINCES.

Acts passed—3.

These were of little importance.

6. PUNJAB.

Acts passed—4.

Money-lenders.—Act No. 1, the Punjab Regulation of Accounts Act, is a short but comprehensive measure dealing with the subject of money-lenders' accounts. It requires the creditor to maintain a separate account for each debtor in a prescribed form and to furnish each debtor with a half-yearly statement of the account, including all transactions that have taken place in regard to the loan. In a suit relating to a loan the court is required before deciding the claim on its merits to find whether the creditor has complied with these provisions or not. Where there has been a failure to keep proper accounts the court has to disallow costs and the whole or a portion of the interest due. Where the prescribed statement has not been furnished to the debtor the court has to disallow interest for the period of default. It is worthy of note than an Act to regulate money-lenders' accounts was passed by the Council in 1926, but the Governor's assent was withheld. The present

[1] See *Journal of Comparative Legislation*, Third Series, vol. viii, pt. iii, p. 196.
[2] *Ibid.*, vol. ix, pt. iii, p. 155.
[3] See below, p. 140.

Act is confined to money-lending pure and simple and expressly avoids interference with the ordinary transactions of trade and commerce.

Criminal Law.—Act No. 4 was necessitated by a great increase in the Punjab of murderous outrages and criminal conspiracies. It follows very closely the provisions of the Bengal Criminal Law (Amendment) Act, 1925, as extended and modified by the Bengal Act No. 3 of 1930.[1] Early in the following year the Indian Legislature passed an Act to supplement its provisions, as was done [2] in the case of the Bengal Act.

The other Acts were small amending measures.

7. BURMA.

Acts passed—4.

Prevention of Cruelty to Animals.—Act No. 2 deals comprehensively with this subject in all its aspects, taking the place of a law which was forty years old.

Juvenile Offenders.—In Act No. 3 the Burma Legislative Council follows the lead of the Madras, Bombay and Bengal Legislatures, whose Children Acts were passed in 1920, 1922 and 1924 respectively. The Act for Burma incorporates also some provisions of the British Statute of 1908.

Underground Water.—Act No. 4 lays down that no tube wells shall be sunk except in accordance with the conditions of a licence by a competent authority. In the case of a breach of the conditions of the licence power is provided to close the well. The Statement of Objects and Reasons with which the Bill was introduced asserted that there was a danger that the uncontrolled sinking of wells might affect the underground water supply and that in some cases existing wells were rendered useless by the sinking of larger tubes in their proximity. The Act also requires a licensee to supply samples of water to the health authorities.

Act No. 1 was of minor importance.

8. BIHAR AND ORISSA.

Acts passed—3.

Mica.—Act No. 1 was enacted for the purpose of controlling the possession and transport of and trading in mica. It was urged in the course of the discussion on the Bill that legislation was justified on the ground that the mines in the province were one of the chief sources of the supply of mica for the whole world, and that the mining industry was being ruined by indiscriminate and constant theft. The Act prescribes a system of licences for all forms of dealing in mica.

Motor Vehicles.—Act No. 2 imposes taxes on a graduated scale for all forms of motor vehicles with the object of providing funds for road development in the province.

Act No. 3 was an unimportant measure.

9. CENTRAL PROVINCES.

Acts passed—7.

Maternity Benefits.—Act No. 6, except for very minor variations, is an exact copy of the Bombay Maternity Benefits Act of 1929.[3]

[1] See above, p. 138.
[2] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. 155.
[3] See *ibid.*, vol. xiii, pt. iii, p. 122.

The other Acts of the year were all amending measures containing for the most part a single clause each.

10. ASSAM.

Acts passed—2.

Local Funds Audit.—Act No. 2 makes provision for the audit of the funds of local authorities. It is on the lines of similar enactments passed in various other provinces.

Act No. 1 was of local interest only.

11. COORG.

Acts passed—nil.

12. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Regulations made—7.

The seven Regulations made minor amendments in the law in force in the various backward tracts. No. 4, which amends the Chin Hills Regulation of 1896, is of interest inasmuch as it is the result of a discovery that owing to a misinterpretation of the law the existing practice for the sale of government opium to certain classes of people in the Chin Hills had been wholly illegal.

13. ORDINANCES UNDER S. 72 OF THE GOVERNMENT OF INDIA ACT.

Ordinances promulgated—11.

As Ordinances can only be made by the Governor-General when he is of opinion that an emergency exists which cannot be met by the more dilatory procedure of ordinary legislation they are always of importance. All the Ordinances promulgated in 1930 were connected with the subject of the maintenance of law and order.

No. 1, the Bengal Criminal Law Ordinance,[1] has already been referred to above.

No. 2 brings into force again the provisions of the old law, for the control of the press, which had been repealed some years before, while No. 7 deals with unauthorized news-sheets and newspapers.

No. 3 makes special provision for the control of what were known as the Lahore Conspiracy cases. It sets up a special tribunal and it provides that the tribunal can dispense with the attendance at the trial of an accused person who has voluntarily rendered himself incapable of appearing, *e.g.* by hunger strike, or who persistently behaves in a disorderly manner in court. It also enables the tribunal to admit in evidence the statement of any person, made before a magistrate, who has subsequently died, or cannot be found, or is incapable of giving evidence, if the tribunal is of opinion that the death, disappearance or incapacity has been caused in the interests of the accused.

No. 4 provides for the proclamation of martial law in the town of Sholapur, where serious disturbances had occurred resulting in the murder

[1] See above, p. 138.

of several policemen. It defines the powers of the military authorities in the administration of law and order and to that extent therefore does not provide for martial law as that is ordinarily understood.

No. 5 is directed against the civil disobedience movement. It penalizes certain forms of intimidation, such as molestation by pickets, and the boycotting of public servants.

No. 6 is a counter-blast to the resolution of the All-India Congress Working Committee deciding to inaugurate a no-tax and no-rent campaign. It penalizes persons who instigate others not to pay land revenue, taxes, rates or cesses, due to the Government.

No. 8 provides for the proclamation of martial law in the Peshawar district of the North-West Frontier Province and empowers the authorities to make regulations for administering it and sets up special tribunals for the trial of offences against the martial law regulations.

No. 9 was also occasioned by the civil disobedience campaign of the Congress Party. It makes further provision against associations dangerous to the public peace. It enables the authorities to take possession of premises or property used by associations that had been declared to be unlawful.

Ordinances Nos. 2 and 7 expired in October 1930, and on December 23 the Governor-General promulgated Ordinance No. 10, bringing into force again the provisions of these two Ordinances on the ground that the extremist press in the absence of safeguards had at once renewed the publication of incitement to crimes of violence.

For similar reasons Ordinance No. 11 was promulgated on the same day to renew the provisions of Ordinance No. 6, which had expired in November.

VIII. EASTERN COLONIES.

1. CEYLON.

[It is hoped to publish this Summary in the next *Review*.]

2. HONG KONG.

[*Contributed by the* Hon. Mr. C. G. Alabaster, K.C., O.B.E., *Attorney-General*.]

Ordinances passed—32.

Newspapers.—Ordinance No. 1 adds a new section to the Printers and Publishers Ordinance (No. 25 of 1927) requiring a deposit or bond for $3,000 from all registered newspapers. Such sum is rendered available to pay any fine, which may be imposed upon the proprietor, printer, publisher or editor of the newspaper in question either under the principal Ordinance or in respect of any matter appearing in the newspaper, and also to pay any damages that may be awarded in any action for libel in respect of any matter appearing in the newspaper and the costs of any such action.

Motor Spirit Tax.—Ordinance No. 4 provides for the imposition of duty at the rate of 15 cents per imperial gallon [1] on light hydrocarbon oils.

[1] Raised in the following year to 25 cents.

Pilots.—Ordinance No. 11 repeals the Pilots Ordinance No. 3 of 1904 and substitutes new provisions based on the Pilotage Act, 1913 (2 & 3 Geo. V c. 31) and provides that no person, other than the master or a seaman being *bona fide* one of the crew of the ship, who is not licensed as a pilot under the Ordinance shall pilot or attempt to pilot any ship within the waters of the Colony. The Ordinance applies to all ships, British and foreign, except ships of war and ships belonging to any department of H.M. Government or to the Colonial Government or to any foreign state. The Ordinance, however, does not make the employment of any pilot within the waters of the Colony compulsory.

Incorporation of Officials.—Ordinances Nos. 13, 14 and 15 give perpetual succession for certain purposes to the office of the Registrar under the Life and Fire and Marine Insurance Companies Ordinances (No. 11 of 1907 and No. 32 of 1917) and to the office of Colonial Treasurer, so as to facilitate transfers of property vested by deposit or otherwise with such officers.

Pawnbrokers.—Ordinance No. 16 repeals the Pawnbrokers Ordinance No. 1 of 1860 and makes new provision for regulating the business based to some extent on the Pawnbrokers Act, 1872.

Presumption of Coercion.—The Criminal Procedure Amendment Ordinance No. 17—following 15 & 16 Geo. V, c. 86, s. 47—abolishes the presumption of law that an offence committed by a wife in the presence of her husband is committed under his coercion; but provides that on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

Fire Precautions.—Ordinance No. 18 provides new rules for the construction of stair-cases in the interests of safety, especially in the case of fire.

Administration of Estates of U.S. Citizens.—Ordinance No. 21 amends the Probates Ordinance No. 2 of 1897 so as to give effect to an arrangement between H.M. Government and the Government of the United States to ensure notification of the death of United States citizens to the nearest consular officer under the Washington Convention.

Repeal of Unnecessary Legislation.—The Law Revision Ordinance, No. 25, repeals the Chinese Persons (Civil Proceedings) Ordinance, 1851, the Regulation of Chinese Ordinance, 1888, the Chinese Immigration Ordinance, 1895, the Peak Reservation Ordinance, 1904, the Aircraft Ordinance, 1912, and the Stocks Ordinance, 1921.

Entertainments Tax.—Ordinance No. 28, based on English legislation (6 Geo. V, c. 11; 12 & 13 Geo. V, c. 17; 13 & 14 Geo. V, c. 14; and 14 & 15 Geo. V, c. 21, and Statutory Rules and Orders 1921 No. 1388), provides for the payment of entertainment duty.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

Ordinances passed—22.

Civil Procedure Code.—Ordinance No. 5 amends Ordinance No. 102 with a view to bringing the local procedure into line with the procedure in England under the Rules of the Supreme Court, 1929, principally on the following matters: (i) third-party procedure (s. 4, corresponding to

Order XVI*a*) ; (ii) special indorsements to writ of summons, and claim for double rent or double value on tenant holding over (ss. 2, 3, 6, 7 and 8, corresponding to Orders III and XIV) ; (iii) appeals and costs in interpleader, (ss. 12–14, corresponding to Order LVII).

Prevention of Cruelty to Animals.—No. 10 substitutes a new enactment, based on recent legislation in the Federated Malay States and in England, for Ordinance No. 77 passed in 1902, which was deficient in many respects. The more important new provisions are as follows :—

The definition of " animal " in s. 2 includes any bird, beast, fish, reptile or insect, whether wild or tame.

" Acts of cruelty " are defined on the lines of the Protection of Animals Act, 1911 (1 Geo. V, c. 27), and are wider in scope than the provisions of the prior Ordinance ; *e.g.* it is now made an offence to *permit* cruelty, and an owner is made liable for " acts of cruelty " if he fails to exercise reasonable care and supervision in order to protect the animal from such acts (s. 3).

The power to arrest without warrant for offences under the Ordinance is enlarged. It is now conferred on veterinary officers, as well as on police and municipal officers (s. 4).

The provisions regarding the destruction of diseased and injured animals are amended. Under the prior law, it was necessary to obtain an order of the police court after the issue of a certificate by a veterinary surgeon—a procedure which occasioned delay and unnecessary suffering to the animal. The new s. 7 empowers (*a*) any magistrate, and (*b*) without the intervention of the magistrate, any government veterinary surgeon, government medical officer, or police officer not below the rank of inspector, to order the destruction of the animal, provided he has, by personal inspection, satisfied himself as to its incurable condition. Provision is, of course, made for notifying the owner of the animal in certain cases before the order for destruction is carried out.

The Municipal Commission and the Rural Board are empowered to make by-laws for the licensing, control, supervision and inspection of places in which animals are or may be kept in captivity for sale, export or exhibition (s. 11).

Women and Girls Protection.—No. 15 repeals and re-enacts in amended form Ordinance No. 143,[1] the principal amendments being the outcome of the recommendations of the Committee appointed in 1928 by the Secretary of State for the Colonies to examine and report on the working of the Women and Girls' Amendment Ordinance, No. 143.

4. FEDERATED MALAY STATES, 1930.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—31.

Copyright.—No. 1 follows the English Copyright Act of 1911 (1 & 2 Geo. V, c. 46), with variations necessitated by local conditions.

Registration of Criminals.—Enactment No. 3 had a double purpose. (*a*) It enacts that a conviction for a " registerable crime " shall be registered whether the offender escapes with a fine which he can pay or not. This remedies an anomaly of frequent occurrence under the Prisons

[1] *Vide Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. 163.

Enactment of 1904; thus, of two offenders who were sentenced to identical fines, the one who could pay escaped registration, while the more impecunious one, who went to prison in default of payment of the fine, had his finger-impressions taken, and was registered as a criminal. (*b*) It confers upon the Commissioner of Police a discretion as to the registration of small or trifling crimes, committed by first offenders with light sentences (s. 11).

Minor Offences.—No. 2 repeals and re-enacts the Minor Offences Enactment, 1920, and the numerous subsequent amending Enactments, with a rearrangement of the sections to follow closely the analogous Ordinance No. 96 of the Straits Settlements. New provisions relate particularly to: (*a*) Traffic direction lines and signs (s. 3 (vi)); (*b*) The "bicycle nuisance," *i.e.* the riding of a pedal bicycle in any public road without being seated in the saddle, or, being seated, carrying at the same time another person on the bicycle (s. 14 (k) & (l)); (*c*) Apprehension of suspected persons (s. 34, taken from Straits Settlements Ordinance No. 96) and punishment for fraudulent possession of property (s. 35, replacing the prior State Enactments); (*d*) Authorizing the compounding by the chief police officer of the less serious offences (s. 37).

Determination of Mohammedan and Malay Customs.—The Court of Appeal of the Federated Malay States had recently decided that the practice, hitherto current in the courts, of treating local Mohammedan law as "foreign law" (in a country like the States, the Rulers and the indigenous inhabitants of which profess the Mohammedan religion), and ascertaining it by taking evidence, was wrong. No remedy had, however, been suggested by that tribunal; and the result was that, while the judges and magistrates were not conversant with Mohammedan law, they were still debarred from resorting to expert evidence for informing themselves upon it.

The Enactment (No. 4) solves the dilemma by enabling the courts to refer questions of Mohammedan law or Malay custom to the State Council (s. 2), whose decision is to be authoritative, and must be followed (s. 4). Malay custom has been included as a subject of the Enactment, because, in many cases, custom and law are inextricably interwoven.

Pilgrim Ships.—No. 7 provides, on the lines of Straits Settlements Ordinance No. 125 (Merchant Shipping), for the control of ships conveying Mohammedan pilgrims to Mecca (Arabia), and calling at ports within the States, for the care of such ships during the voyage and for the supervision of the conduct and behaviour of the pilgrims during the voyage.

Rule Committee of the Supreme Court.—By No. 27 a Rule Committee is established, composed of judges and legal practitioners, to assist in the revision of civil procedure applicable to the Supreme Court. The procedure prescribed by the Civil Procedure Code, while suitable enough to the lower civil courts, had been found inadequate for the Supreme Court. The overhauling of it is accordingly entrusted to those who have a first-hand knowledge of its difficulties and defects.

Shipowners' Liability.—As the Merchant Shipping Acts of 1894 and 1921 do not apply to the Federated Malay States, the principle of limited liability of a shipowner in case of collision, which is there proclaimed, had no counterpart in local legislation, and the amount which might be decreed as damages against the shipowner was therefore unlimited. The Enactment (No. 25) adopts Part VIII of the Act of 1894, as well as

the amendments introduced by the Act of 1921, extending Part VIII of the principal Act to lighters and barges.

5. MAURITIUS.

[*Contributed by* E. Nairac, Esq., *Procureur-General.*]

Forty Ordinances were passed by the Council of Government and assented to by the Governor during the year 1930, of which the following are the most important :

Advertisements.—No. 4 regulates the exhibition of advertisements in the Colony and chiefly checks the absence of posters of abnormally large sizes that disfigure the scenery along the main roads.

Census.—No. 5 authorizes a census to be taken in the Colony of Mauritius and its Dependencies in the year 1931 on a day to be fixed by Proclamation.

Judicature.—No. 11 gives jurisdiction to the magistrates in action by Government for the recovery of cost of sewerage works carried out by the Sewerage Authority even when the value of such works exceeds Rs.1,000 in order to avoid the lengthy procedure before the Supreme Court for the recovery of such crown debts.

Shooting and Fishing Leases.—No. 12 amends the Shooting and Fishing Leases Consolidating Ordinance, 1922, by giving power to the Governor in Executive Council to order that tenders be called for the grant of any shooting or fishing rights on Crown lands instead of putting such rights to public auction.

Designs.—No. 17 provides for the registration in the Colony of designs registered in the United Kingdom provided that application for registration is made within three years from the date of registration of the design in the United Kingdom. The rights conferred in the Colony date from the date of registration in the United Kingdom and continue in force only so long as the registration in the United Kingdom remains in force.

Trade-Marks.—No. 18 provides for the registration in the Colony of trade-marks registered in the United Kingdom provided that application for registration is made within three years from the date of registration of the trade-marks in the United Kingdom. The rights conferred in the Colony date from the date of registration in the United Kingdom and continue in force only so long as the registration in the United Kingdom remains in force.

Government Drafts.—No. 20 provides for the issue of drafts on Bombay by the Board of Commissioners of Currency specially for the payment of foodstuffs imported from India. The Ordinance also authorizes the Board of Commissioners of Currency to purchase demand drafts.

Succession and Registration Duties.—No. 21 amends the law relating to succession and registration duties. A new scale of duties is enacted providing for a system of taxation based on the French law dated August 26, 1926. New provisions are also made to check disguised donations *inter vivos.*

Sugar Industry Relief.—No. 22 exempts the sugars of the 1930–31 crop from the export duty leviable under Ordinance No. 15 of 1929 as a relief to the sugar industry of the Colony. Provisions are also made for the refund of any such export duty collected on the sugars of 1930–31 crop prior to the date of commencement of the Ordinance.

No. 23 practically repeals all export duty on sugar as a relief to the sugar industry of the Colony. There is an export duty of R.0.02 per 100 kilos which is maintained ; the proceeds of this small duty are intended to defray the necessary expenditure for the destruction of phytalus smithi, which is harmful to agriculture.

No. 24 provides for the distribution and repayment of a loan to sugar manufacturers in the Colony from the Improvement and Development Fund of £1 per ton of sugar produced in the crop season 1930–31. The loan is repayable by means of a special export duty on sugar over a period of thirty years and at such rate to be enacted hereafter.

Veterinary Surgeons.—No. 28 amends the Veterinary Surgeons Ordinance, 1923, so as to permit the practice of veterinary medicine in the Colony by any person who is a fellow or member of the Royal College of Veterinary Surgeons, or who possesses a veterinary qualification recognized by the Governor in Executive Council.

Pensions.—No. 31 amends Ordinance No. 30 of 1881 (Pensions) and authorizes inspectors and sub-inspectors of police to reckon for pension purposes a uniform additional amount in respect of quarters whether, on retirement, they have been occupying free quarters or drawing lodging allowances in lieu ; such uniform amount not to exceed one-sixth of their other emoluments.

Fisheries.—No. 33 gives effect to certain recommendations contained in Chapter V of Mr. Hornell's report on the Fishery Resources of the Colony. The employment of the " small net " and of the " shrimp net " and seining within the lagoon between the hours of 6 p.m. and 6 a.m. are prohibited. The main Fisheries Ordinance (No. 9 of 1918) is amended to protect the owners and lessees of barachois and provisions are made to authorize any fishery, police or inland revenue inspector to issue search warrants in any case where there is reason to suspect that unlicensed nets or other unlawful fishing implements or gear are concealed in any house or place.

No. 8 provides for the protection of camarons (palœmon ornatus) and shrimps.

Tobacco Industry.—No. 38 vests the control of the production and sale of leaf tobacco in the Colony in a Government Tobacco Board. Provisions are made for the registration by the Board of all lands planted in tobacco, for the keeping of books by growers of, and dealers in, tobacco and for the establishment and management of a government tobacco warehouse for the purpose of handling all leaf tobacco produced in the Colony and for the sale or disposal of such leaf tobacco as may be considered most advantageous by the Board.

6. STATE OF NORTH BORNEO.

[*Contributed by* J. Maxwell Hall, Esq., *Legal Adviser.*]

Ten Ordinances were passed into law during 1930.

Gaming.—Ordinance No. 1 was timed to come into force in January 1931 on the abolition of the public gaming houses which continued to exist to the end of 1930. The Ordinance follows the corresponding Ordinance of the Malay States and prohibits common gaming houses, common betting houses and public lotteries.

Female Domestic Service.—Ordinance No. 2 was drafted on the lines of the corresponding Hong Kong Ordinance. Its object is to repress the engagement of and to regulate the employment of mui-tsai and to prohibit the engagement of and employment of girls under ten years of age as domestic servants.

Boy Scouts Association.—Ordinance No. 3 protects the activities and interests of the Boy Scouts Association.

Register of Criminals.—Ordinance No. 4 provides for the taking of finger impressions, photographs and descriptions of persons under arrest, who have been accused of certain specified offences.

Air Navigation.—Ordinance No. 5 follows the corresponding law in British Malaya and was introduced at the request of the Secretary of State for the Colonies with the object of establishing a general control and regulation of civil aviation. The Ordinance will not come into force until such date as may be appointed by the Governor.

Pensions.—Ordinance No. 6 prevents the assignment, transfer or sequestration of pensions or gratuities paid by the Government on the retirement or death of its servants.

Quarantine.—Ordinance No. 7 consolidates the quarantine regulations and provides for the adoption by rule of sanitary regulations recommended by the International Sanitary Convention signed at Paris in 1926.

Paupers.—Ordinance No. 8 provides for the recovery where possible of expenses incurred in the pauper institutions.

Land.—Ordinance No. 9 consolidates the various amendments which had been made from time to time to the Land Ordinance (Amendment), 1913, which was repealed and substantially re-enacted. The substantive provisions of the Land Law remain unaltered.

Land Acquisition.—Ordinance No. 10 is based on the Land Acquisition Act of British India, and provides for the acquisition of land on behalf of public utility companies and for other purposes beyond the scope of the previous local land acquisition law.

7. SEYCHELLES.

[*Contributed by* G. E. Cooper, Esq., *Acting Chief Justice.*]

Ordinances passed—7.

Little legislation of general interest was passed during the year.

Disused Roads.—No. 3 provides that the property in disused roads may be resumed by the proprietors through whose lands they pass.

There has recently been a development of new roads suitable for motor traffic and the old roads are abandoned. Under the French Civil Code which is the Common Law of the Colony they were part of the " domaine public " and inalienable. This led to land owners being reluctant to give land for new roads. The Ordinance provides procedure whereby the old road may become private property.

Penalties.—No. 7 amends the law relating to imprisonment in default of payment of a fine.

The former law laid down a fixed scale. The present Ordinance gives the court a discretion to fix the period of imprisonment provided that it shall not exceed one day for each rupee of the fine.

IX. WEST AFRICA.

1. GAMBIA.

[*Contributed by* A. G. B. Manson, Esq., *Legal Adviser.*]

Ordinances passed—10.

Few of the Ordinances passed require any special comment.

Abolition of Slavery.—The Affirmation of the Abolition of Slavery Ordinance (No. 3) is declaratory, and enacts that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Criminal Appeals.—The Supreme Court Appeals (Amendment) Ordinance (No. 4) defines the right of appeal in criminal cases from the Supreme Court to the Court of Appeal for West Africa and gives the same right of appeal as is given by the Imperial Criminal Appeal Act, 1907, to the Court of Criminal Appeal in England.

It further deals with such matters as the right of the appellant to be present at the hearing of the appeal; the reservation of questions of law for the opinion of the Court of Appeal, and the time for appealing, and the powers of the Court of Appeal on the hearing of the appeal. The provisions are based on the Imperial Criminal Appeal Act, 1907.

Census.—Ordinance No. 6 makes provision for the taking of the census of 1931.

Food and Fuel Control.—The Food and Fuel and Controlled Articles Ordinance (No. 10) provides for the appointment of a Controller with powers over the distribution, sale, use and consumption of "controlled articles," which include any grain, article of food or drink, coal or other fuel, mineral oil and other oil or spirit which may be used for fuel and any other article or commodity which may be declared by the Governor by a notice in the *Gazette* to be a controlled article.

It further enables the Governor by Proclamation to fix the prices at which controlled articles may be sold by retail.

Urban District Council.—The Urban District and Public Health (Amendment) Ordinance (No. 7) sets up a Council for the Island of Saint Mary. It consists of ten members—four nominated by the Governor and six elected by the rate-payers and government servants and employees. The Island is divided into six wards, and elections take place once in each year.

2. GOLD COAST COLONY.

[*Contributed by* S. S. Abrahams, Esq., K.C., *Attorney-General.*]

Twenty-six Ordinances were passed, of which the most important are as follows:

Medical Practitioners and Dentists Registration.—Ordinance No. 9 empowers the registrar of medical practitioners to issue to any missionary possessing satisfactory medical qualifications a licence to practise medicine, surgery and midwifery. The effect of this Ordinance is to permit skilled medical missionaries whose qualifications do not entitle them to be registered under the principal Ordinance to practise as if they were actually registered save that they are not entitled to accept any fee or reward, though the missionary body to which the licensees belong is permitted to make reasonable charges for their services.

Achimota College and School.—Ordinance No. 10 is intituled an

Ordinance to make provision for the control, administration and working of the Prince of Wales College and School, Achimota. It separates these educational establishments from government administration and vests the entire control and superintendence over their general policy and property in a Council constituted partly of official and partly of unofficial members, some of whom are European and some of whom are African. The Council is incorporated and has power to acquire, hold and dispose of moveable and immoveable property. The Principal is to be appointed by the Governor with the approval of the Secretary of State, but the Council is entitled to make recommendations in that behalf. Other members of the staff whose annual pensionable emoluments exceed £200 a year are to be appointed by the Governor on the nomination of the Principal; those whose pensionable emoluments do not exceed that figure are to be appointed by the Principal. Suitable provision is made for the securing of pensions to the staff and for the regular inspection of the establishments by four inspectors appointed by the Governor. The duty is imposed upon the Council to submit to the Legislative Council of the Colony a report upon the working of the College and School at the expiry of three years from the commencement of the Ordinance.

Mosquitoes.—Ordinance No. 14 gives power to the health authorities to adopt the same measures in respect to the search for and destruction of mosquito larvæ in ships and other vessels as they have in respect to houses, and thus remedies a serious omission in the law.

Gin and Geneva (Restriction of Importation).—Ordinance No. 16 gives effect to certain of the recommendations of a Commission appointed in 1929 to inquire into the consumption of spirits in the Gold Coast territories which has been alleged to be excessive. The Ordinance schemes to abolish the importation of gin and geneva in ten years by reducing the importation each year by 10 per cent. of the quantity imported in the previous year. Importation is to be allowed only by permit granted in conformity with the plan of gradual reduction, and no permit is to be issued to any person who was not an importer in 1929.

Liquor Traffic.—Ordinance No. 17 also gives effect to certain recommendations of the Liquor Commission by prohibiting the importation of brandy, rum and whisky the cost of which is below a certain figure.

Liquor Licences (Spirits).—Ordinance No. 18 also gives effect to certain recommendations of the Liquor Commission by imposing further restrictions on the sale of spirits. The principal Ordinance compelled every person who sold spirits for profit to take out a licence. The amending Ordinance compels a licence to be taken out whether the sale is for profit or not. Further restrictions are imposed in respect of the days and hours during which restaurants may be opened for the sale of spirits; and spirits may not be conveyed on a motor lorry unless waybills have been made out giving particulars as to the consignor, the consignee, the description and quantity of the spirits conveyed, the place where the spirits were loaded and their destination.

Reaffirmation of the Abolition of Slavery.—Ordinance No. 20 declares and enacts that slavery in any form whatsoever is unlawful and the legal status of slavery does not exist. Although slavery was abolished many years ago in the Colony and any dealing in slaves or any pawning of persons or any attempt to enforce the physical incidents of slavery is severely punishable, doubts have been expressed as to whether the legal status of slavery did not in fact exist. It was considered desirable to put an end

to these doubts. The Ordinance, it should be observed, does not purport to abolish the legal status of slavery but reaffirms its non-existence.

Census.—Ordinance No. 21 enables the Governor in Council to direct a census of persons and livestock to be taken at any time and prescribes the method of taking the census. Hitherto an Ordinance *ad hoc* has been enacted whenever it was proposed to take a census.

Criminal Procedure.—Ordinance No. 26 gives legislative authority to the practice prevailing in Courts of Summary Jurisdiction of joining more charges than one in criminal trials in circumstances where it is lawful to effect this joinder in trials at Assizes.

(i) ASHANTI.

Ten Ordinances were enacted, of which the only ones which are noteworthy are the Census Ordinance (No. 9) and the Reaffirmation of the Abolition of Slavery Ordinance (No. 10), which are identical in terms with and effect the same purposes as the respective Colony Ordinances bearing the same titles.

(ii) NORTHERN TERRITORIES.

Seven Ordinances were enacted, of which the only ones which are noteworthy are the Census Ordinance (No. 5) and the Reaffirmation of the Abolition of Slavery Ordinance (No. 6), which are identical in terms with and effect the same purposes as the respective Colony Ordinances bearing the same titles.

(iii) BRITISH SPHERE OF TOGOLAND.

Five Ordinances werepassed, three of which are of importance, namely:

Administration.—Ordinance No. 1 defines the jurisdiction exercisable in the Southern Section by the tribunal of a Head Chief and the tribunal of a Chief in civil disputes relating to land. Provision is made for appeals from these tribunals to the District Commissioner's Court, thence to the West African Court of Appeal. In any land dispute between Head Chiefs or Chiefs belonging to different divisions the District Commissioners' Court has jurisdiction with an appeal therefrom to the Provincial Commissioner's Court and thence to the West African Court of Appeal. The employment of legal practitioners in any cause or matter brought before a native tribunal or before a District Commissioner's Court or a Provincial Commissioner's Court as above is prohibited.

Process Extension (Gold Coast Colony Tribunals).—Ordinance No. 2 enables civil process issuing out of native tribunals in the Gold Coast Colony to be executed in the Southern Section.

Census.—Ordinance No. 4 is identical in terms with and effects the same purpose as the Census Ordinance, 1930, of the Gold Coast Colony.

3. NIGERIA.

Ordinances passed—27.

Police.—No. 2 is an amending and consolidating ordinance providing for the organization, discipline, powers and duties of the police.

Change of Titles.—No. 9 provides for the change of official and departmental titles appearing in enactments consequent upon the change of title of the Sanitary Department to Health Department. A provision

is made in the Ordinance that such changes in future can be effected by Order-in-Council.

Native Courts.—No. 12 gives Residents power to grant to any offender convicted by a native tribunal a remission of sentence on medical grounds; it also provides that the power of suspension and appointment of members of native courts may be exercised by the Resident. S. 9 gives to administrative officers the right to exercise powers of review not only to suspend and reduce or otherwise modify a sentence, but also to annul it. There is also power given to any officer to amend any decision which he has made himself, and it is also provided that a Resident may annul a decision of an administrative officer junior to himself. The Ordinance also permits the calling of witnesses outside the jurisdiction of native courts to give evidence before a native court.

Appointment and Deposition of Chiefs.—By Ordinance No. 14 it is provided that upon the death, resignation or deposition of any chief or head chief the Governor may approve as successor any person appointed in that behalf by those entitled by native law and custom so to appoint in accordance with native law and custom. If no appointment is made before the expiration of such interval as is usual under native law and custom, the Governor may himself appoint such person as he may deem fit and proper to carry out such duties incidental to the chieftaincy as it may be necessary to perform. The Governor shall be the sole judge as to whether any such appointment has been made in accordance with native law and custom. The Governor may grade head chiefs as first, second, third, fourth or fifth class according to their importance. The Governor may depose any chief or head chief if after inquiry he is satisfied that such deposition is required according to native law and custom, or is necessary in the interests of peace, order or good government.

Midwives.—No. 84 makes provision for the registration of midwives and regulates their practice. The object underlying this legislation is the improvement of the training and the raising of the status of midwives.

4. SIERRA LEONE.

[*Contributed by* I. J. Turbett, Esq., *Acting Attorney-General.*]

During the year under review 34 Ordinances were passed by the Legislature. Of these 28 either amend or repeal existing measures, 2 deal with supply and the 4 remaining Ordinances relate to matters which had not previously formed the subject of legislation. The most important of these latter Ordinances are:

Ordinances Authentication.—Ordinance No. 2 provides for the authentication and recording of local Ordinances and brings our law in this respect into substantial conformity with the laws of Nigeria, the Gold Coast and the Gambia.

Oaths and Affirmations.—Ordinance No. 13 simplifies and amends the law relating to oaths and affirmations by adopting with slight changes the provisions of the Oaths Acts 1888 and 1909, and makes special provision for Mohammedan witnesses who sometimes object to being sworn on the Koran before they have given evidence.

Legal Documents (Restriction on Preparation).—Ordinance No. 15 restricts the preparation, by unqualified persons, of legal documents with a

view to (*a*) diminishing the risk of such documents being so drawn as to fail to achieve their purpose ; (*b*) preventing certain fraudulent practices in connexion with the making and using of such documents.

The Ordinance gives to legal practitioners a measure of protection against the competition of unqualified persons corresponding to that provided in England by s. 44 of the Stamp Act, 1891, and in many Crown Colonies (including Nigeria and the Gambia) by Ordinances presumably founded thereon. The Ordinance has also been applied to the Protectorate where, in the past, unqualified persons have prepared frequently alleged documents of title which have served no honest or useful purpose.

Interpretation.—The objects of this Ordinance (No. 1) are : (*a*) To delete from the principal Ordinance numerous definitions and provisions which have become, through lapse of time, obsolete and unnecessary ; (*b*) To revise a few definitions and provisions which have been found to be unsatisfactory or inapplicable to changed circumstances ; and (*c*) To add a number of definitions and provisions which experience has shown will facilitate the drafting and interpretation of legislation.

Immigration Restriction.—Ordinance No. 11 consolidates in one Ordinance the law relating to restrictions on immigration and makes further provision for dealing with pauper immigrants. The repeal of cc. 60, 98, 143 and 220 of the 1925 Edition of the Laws of Sierra Leone and their replacement by a single Ordinance brings our law relating to immigration into substantial harmony with the laws on that subject now in force in the other West African Colonies.

Intestate Estates.—Ordinance No. 16 extends the Intestate Estates Ordinance, 1924, to the Protectorate so as to enable the Curator of Intestate Estates to administer the estates of non-natives dying intestate in the Protectorate in the same manner and circumstances as he is now empowered to administer the estates of all persons dying intestate in the Colony. The Ordinance only extends the principal Ordinance to the Protectorate in cases where the deceased person is a non-native, and therefore does not in any way interfere with native law and custom. The enactment also gives the court general power to replace an administrator who has left the jurisdiction without completing administration or has otherwise proved unsatisfactory. Previously it had only been possible to replace a creditor administrator in like circumstances.

Motor Traffic.—Ordinance No. 19 implements and brings up to date the existing enactment in accordance with recent Imperial and Colonial legislation.

Minerals.—Ordinance No. 20 makes certain important amendments in the principal Ordinance. The following are its principal objects: (*a*) To enable the Chief Inspector of Mines to exercise a close supervision over all underground mining operations ; (*b*) To prohibit mining by the holder of a prospecting right, exclusive prospecting licence or mining right on or under " land habitually used or occupied for sacred or ceremonial purposes " without the Governor's consent ; (*c*) To prohibit any one person from taking out a prospecting right in the names of more than one employer ; (*d*) To prohibit mining by a mining lessee on or under land habitually used or occupied for sacred or ceremonial purposes or within 100 yards of a town or village without the Governor's consent ; (*e*) To enable the Governor to grant provisional water rights before the grant of mining leases ; and enable the holder of a water right to transfer or surrender the same apart from his lease ; (*f*) To render it an offence for

the holder of a prospecting right, exclusive prospecting licence, mining right or mining lease wilfully or recklessly to give false information in regard to matters in respect of which information is or may be required; (*g*) To enable rules to be made for the " welfare " of persons employed in mining operations, and for restricting or prohibiting the employment of women and children in the same; and (*h*) to make it clear that the concessions specified in s. 69 (*b*) of the principal Ordinance are not affected by s. 70 thereof.

Ports and Inland Waters.—This enactment (No. 21) provides legislation for the important inland waters of this territory and gives power to add to their number. The Ordinance repeals the existing Freetown Harbour Ordinance which was somewhat inadequate and substitutes more comprehensive provisions in regard to this Harbour. Legislation is also enacted in regard to the Port of Sherbro for the first time. The majority of the provisions of this Ordinance are similar to those found in most legislative measures which regulate Colonial harbours and waters.

Unseaworthy Ships.—Ordinance No. 30 amends the existing enactment by subjecting foreign ships using British ports to the same provisions in regard to safety and seaworthiness as apply to British ships.

Sixty-seven subordinate legislative measures were enacted during the year.

X. EAST AFRICA.

1. KENYA.

[*Contributed by* P. F. Branigan, Esq., *Acting Crown Counsel.*]

1929.

Thirty-eight Ordinances were passed during the year 1929. A summary of the more important enactments is given.

Abuse of Opiates Prevention.—Ordinance No. 2 makes provision for enforcing the requirements of the General Opium Convention of February 19, 1925, which relate to the observance of certain regulations in the case of certain drugs in transit.

Stage Plays and Cinematograph Exhibitions.—Ordinance No. 8 provides that no person shall direct, take part in or assist in the making within the Colony of any cinematograph picture unless a licence to make such picture shall have been previously obtained. In addition, the definition of " cinematograph exhibition " in the principal Ordinance has been amended so as to include sound films.

Malaria Prevention.—This Ordinance (No. 19) gives the Government power, in the interests of public health, to prevent the owner or leaseholder of land in townships from having on such land places in which mosquitoes may breed, and provides that proper and adequate steps shall be taken by the owner or leaseholder to remove such potential breeding-places from such land, to the satisfaction of the local authority, who is empowered to deal with such places at the expense of the owner or leaseholder if such owner or leaseholder refuses or neglects to do so.

Trustee.—Ordinance No. 28 is based on the English Trustee Act of

1925, and brings trustee law in this Colony into line with modern English law.

Fencing.—Ordinance No. 31 regulates the law as to the fencing of farms and other holdings. The Ordinance defines the relations which are to exist between owners of adjoining holdings who fence the boundaries of their holdings and the relations between the railway administration, road authorities, local authorities and members of the public in regard to the fencing of highways. The Ordinance further provides that landowners in a district may adopt a system of compulsory fencing in order that a concerted effort may be made against stock diseases.

Water.—Ordinance No. 35 makes provision for the employment and conservation of waters and for the regulation of water supply, irrigation, and drainage. The Ordinance establishes the ownership of all natural bodies of water in the Crown, vesting the right of control in the Governor in Council, and provides for the establishment of a controlling body designated " the Water Board " for the purpose of granting water rights according to the procedure set forth in the Ordinance. The Ordinance also makes detailed provision for the principles of the relationship between the Government as the grantor of the water rights and the licensees as recipients and holders of those water rights. The Ordinance also provides for penalties for offences against its provisions.

1930.

Sixty-four Ordinances were passed during the year 1930. A summary of the more important enactments is given.

Customs Tariff.—Ordinance No. 1 is the outcome of prolonged discussions between the Governments of Kenya, Uganda and Tanganyika, and is intended to bring into effective operation a common tariff designed to meet present needs and conditions in the three territories. S. 3 introduces into the tariff a new feature in the form of " suspended duties " and authorizes the Governor, with the approval of the Legislative Council, to impose such duties up to the amount specified in the Schedule to the Ordinance. This method maintains the principle of the common tariff but allows of a limited elasticity so far as the small number of items chargeable with suspended duties is concerned. The items involved are the protected articles. In the case of the protected articles a basic revenue duty is fixed, suspended duties being applied up to the maximum figure specified in the Schedule, in any of the territories when it is decided that additional protection through the medium of the customs tariff is desirable in that territory.

Food and Drugs (Adulteration).—The object of Ordinance No. 6 is to prevent the adulteration of articles of food and drugs with ingredients and materials of an inferior nature and the fraudulent sale of such articles to the prejudice of the consumer. The Ordinance confers powers and duties for the enforcement of its provisions on local authorities and details the duties of sampling officers and procedure to be followed in the taking of samples and their submission for analysis. Provision is made for the making of regulations prescribing standards of quality in regard to foods the constituents of which are liable to variation.

Native Lands Trust.—Ordinance No. 9 provides for the reservation of lands for the use and benefit of the native tribes of the Colony and for the management and control of lands so reserved. A Native Lands

Trust Board has been established, and all lands in native reserves and all matters relating to such lands are declared to be under the management and control of such Board. All such lands will be administered for the use and benefit of the native tribes for which they have, respectively, been reserved. In every administrative district in which one or more native reserves may be situate there shall be established an Advisory Board, and it shall be the duty of the Native Lands Trust Board to consult such Advisory Board on matters affecting such native reserves. Necessary provision is made for the exclusion of any land which may be required for certain public purposes, and for due compensation to be made in such cases.

Penal Code.—Ordinance No. 10 establishes a Code of Criminal Law in the Colony based on English criminal law and in substitution for the Indian Penal Code.

Criminal Procedure Code.—Ordinance No. 11 makes provision for the procedure to be followed in criminal cases. The procedure is based on English practice.

Legitimacy.—Ordinance No. 23 provides that where the parents of an illegitimate person marry or have married one another, the marriage shall, if the father of the illegitimate person was or is at the date of the marriage resident in the Colony, render that person, if living, legitimate.

Bankruptcy.—Ordinance No. 32 brings the Kenya law on the subject of bankruptcy into exact accord with the law on the subject in force in Uganda and Tanganyika. It provides for reciprocity in bankruptcy between the Colony and other East African territories.

Sale of Goods.—Ordinance No. 33 is modelled on the English Act of 1893 and replaces c. vii of the Indian Contract Act as applied to the Colony.

Arbitration (Foreign Awards).—Ordinance No. 34 gives the Supreme Court power to enforce foreign awards subject to the production of certain evidence, and to certain safeguards.

Trade Marks.—Ordinance No. 35 attempts to achieve uniformity in legislation in the East African Dependencies on the subject of trade marks. The Ordinance is based on the United Kingdom Trade Marks Acts of 1905–19. Special provision is, however, made with regard to cotton and metal marks.

Deeds of Arrangement.—Ordinance No. 38 provides a simple machinery whereby (*a*) a debtor may have his affairs managed for the benefit of his creditors until their claims are discharged ; or (*b*) an insolvent debtor may do the same thing for the benefit of any three or more of his creditors. The stigma of bankruptcy is avoided, but the chances of fraud are obviated by full publicity.

Native Tribunals.—Ordinance No. 39 introduces three material changes in the law governing the jurisdiction and procedure of native tribunals in the Colony, *viz.* (1) jurisdiction is conferred on native tribunals over all natives, including Somalis and Swahilis, and also Arabs if the Arabs consent to such jurisdiction. Provision is also made for the establishment of Somali courts to have jurisdiction over Somalis as well as over natives. Before the enactment of this Ordinance a council of elders had jurisdiction only over the members of their own tribe ; (2) advocates are debarred from appearance before a native tribunal or on appeal from a native tribunal ; (3) appeals from native tribunals lie to the Supreme Court by way of stated case in criminal cases in which a sentence of four

months' imprisonment or a fine of £15 is imposed, and in civil cases where judgment is given for a sum exceeding £50—no such appeal lies in cases relating to marriage, inheritance or land. The Ordinance also provides powers of revision by administrative officers and transfer of cases to subordinate courts.

Foreign Prisoners Detention.—The object of Ordinance No. 48 is to provide machinery whereby a person sentenced to a term of imprisonment in any of the adjacent territories may be transferred to and serve his sentence in a prison within the Colony.

Shipping.—Ordinance No. 51 provides for implementing the Merchant Shipping Acts in their application to the Colony. The Ordinance provides machinery with regard, *inter alia*, to the detention of unsafe ships, inquiries and investigations as to shipping casualties, the survey of steamships, wreck and salvage, and the repatriation of seamen.

Fraudulent Transfer of Businesses.—Ordinance No. 55 provides that the transfer of a business should be done with a certain degree of publicity in the interests of the creditors of the transferor. The provisions of the Ordinance do not apply to the transfer of a business in consequence of the winding up or reconstruction of a company.

Brokers.—Ordinance No. 56 makes provision for the licensing and control of the businesses of brokers, money-changers and goldsmiths and silversmiths.

Townships.—Ordinance No. 63 is designed to give effect to certain recommendations of the Local Government Commission, 1927, in connexion with townships which are not sufficiently advanced to receive municipal status.

2. NYASALAND PROTECTORATE.

[*Contributed by* W. HARRAGIN, ESQ., *Attorney-General.*]

During the year 1930 thirteen Ordinances were passed, of which the following are the most important.

Education. — Ordinance No. 5 repeals and replaces the Education Ordinance, 1927, which had been found unsuitable in several respects. The new definition of the word "school" to exclude classes of under ten pupils and assemblies where the instruction is solely of a religious nature will remove one strenuously contested objection to the old Ordinance.

An advisory committee with an unofficial majority has been established under the Ordinance to assist the Governor and the Director in administering the Ordinance.

While there has been no great change in policy in this Ordinance, the more irksome provisions of the old Ordinance have been modified and replaced.

Bankruptcy.—Ordinance No. 7 supplies a long-felt want by providing for reciprocation in bankruptcy between the East African Colonies. After the necessary formalities a bankrupt may now have his property in neighbouring colonies seized on behalf of his creditors while the reciprocating territory is to some extent protected from the undischarged bankrupts of their neighbours.

Other legislation passed during the year consists of amending Ordinances in order to remove anomalies or provide for small unforeseen contingencies.

3. TANGANYIKA TERRITORY.

[*Contributed by* H. Ralph Hone, Esq., M.C., LL.B., *Crown Counsel.*]

Ordinances passed—23.

Registration of Business Names.—Ordinance No. 1 enacts the now-familiar provisions of the English Act of 1916 with the necessary local modifications as to machinery.

Public Trustee.—The creation of a Public Trust Office which Ordinance No. 2 effects was a step long over-due, the need for such a measure having become apparent principally in connexion with the administration of assets due to women and minors upon the winding-up of estates of deceased persons. The measure has no special points of interest and follows in the main the Indian Official Trustee Act, 1913.

Pawnbrokers.—Ordinance No. 3 is modelled on the English Pawnbrokers Act, 1872, which it follows very closely. The statutory profit has been fixed at six cents of a shilling *per mensem* for every two shillings or fraction thereof lent.

Cinematographs.—Ordinance No. 4 repeals and replaces the Cinematograph Regulation Ordinance, 1922, which had been found in practice to be inadequate for existing needs. The Ordinance deals with three principal matters, *viz.*: (*a*) the licensing of cinematograph theatres; (*b*) the regulation of the taking of cinematograph pictures within the Territory; and (*c*) the censoring of films for exhibition in the Territory, and covers in its purview both silent and talking films. Power is given to the Governor to appoint for any district or township a licensing board for the granting of licences and permits under the Ordinance. Cinematograph theatre licences may be issued in respect of any premises if a board is satisfied that the safety of the audience is adequately provided for, and the board may impose any conditions it thinks fit to that end, including a condition that the exhibition be under the superintendence of a person designated by it: in such case that person may at any time order the cessation of the exhibition or require any direction he may give for the safety of the theatre or the persons attending it to be carried out. No film may be made for public exhibition, whether for exhibition within the Territory or elsewhere, and no picture may be exhibited, whether in public or private, unless a permit from a board is first obtained. Applications for permits to exhibit must be accompanied by a detailed description in the English language of the scenes and titles, and, in the case of a talking picture, the full text, and the board may, if it so desires, require the film to be exhibited for its inspection.

The granting of permits to make cinematograph pictures is reposed solely in the board appointed for the township of Dar es Salaam and, in addition to the ordinary power to require modifications in the proposed scenario, the board may, as a condition precedent to the issue of a permit to make a film, require the applicant to enter into a bond with or without sureties in a sum not exceeding £500 that the picture will be made in accordance with the detailed description approved by the board. The board may also require an officer appointed by it to be present at the making of the film, and such officer is empowered to intervene to stop the making of any scene which is, in his opinion, objectionable to be witnessed by natives, or which endangers the safety of any native actor or person or property not in the scene, or which is cruel, or causes unnecessary suffer-

ing to any animal. Such officer is authorized by the Ordinance to use such reasonable force as may be necessary to render his intervention effective. The powers thus secured were at the date of their enactment believed to be without precedent and were deemed to be necessary in view of the ever-increasing visits of film producers to the Territory whose activities the Government had no power to regulate, and which, in some cases, had given rise to much controversy. The Ordinance also confers upon police and other authorized officers powers of entry to cinematograph theatres and requires all cinematograph posters to be approved by a board prior to exhibition. In addition to the usual type of penalties prescribed for breaches of the Ordinance, a court is empowered to order the confiscation of any picture and negative in respect of which any offence is committed.

Nursing Sisters (Retiring Allowances).—Ordinance No. 7 makes provision for the grant of a retiring allowance to nursing sisters who have completed not less than fifteen years' satisfactory public service and have attained the age of 50, or, in case of a sister invalided, after ten years' aggregate public service. In the expression " nursing sister " is included any nurse, health visitor or matron appointed to the service of any government or local authority in the Empire or to a public hospital to which she received an appointment through the Overseas Nursing Association.

Non-Native Education Tax.—Ordinance No. 8 introduces an annual tax of thirty shillings to be paid by all male persons of the age of 18 and over who are of European and Asiatic origin or descent, but does not apply to Arabs or Somalis. The purpose of the tax is to enable the Government to further non-native education, and the Governor is empowered to appoint committees to advise him in the administration of the revenue so raised. There are provisions exempting temporary visitors and such persons and classes of persons as the Governor may order: there is also power for the Governor to permit any class of persons, or the inhabitants of any area or place, to commute the payment of tax in any one year by the payment of a round sum to be fixed by the Governor in each case.

Bankruptcy.—Prior to the enactment of this Ordinance (No. 9), the Imperial Act of 1914 had been applied and difficulty had been experienced from time to time in its application, particularly in regard to the functions of the Board of Trade which had no counterpart in the Territory. The Ordinance, which is uniform with Ordinances subsequently passed in Uganda and Kenya, follows the Imperial Acts of 1914 and 1916 very closely and calls for comment in but few particulars. Jurisdiction in bankruptcy is vested in the High Court, but all or any part of its jurisdiction may be delegated to any subordinate court by the Chief Justice. An unusual feature of the section dealing with priority of debts is the inclusion of " all sums of money deposited by natives with the bankrupt for safe custody, whether the bankrupt held himself out as a banker or not "—a clause inserted by the legislature on account of the widespread practice among labouring natives of depositing small sums of money for safe custody with petty shopkeepers and others. The clause will obviate the serious loss and hardship to natives which had previously resulted in certain bankruptcy cases by the operation of the English law on this matter.

There is a further departure from English law in regard to the value of personal effects which a bankrupt is permitted to retain. Owing to the

widely different standing of the various classes of persons resident in the Territory, a sliding scale is introduced, fixing the usual limit at three hundred shillings value, but with a discretion to the court, having regard to the bankrupt's state in life, to increase the allowance to any figure not exceeding eight hundred shillings. Provision is also made in the Ordinance permitting creditors to appoint the Official Receiver as trustee, and in such case it is provided that there shall be no committee of inspection, but the Official Receiver is required to apply to the court for permission to do such things as may normally be done by a trustee with the permission of the committee of inspection. The Ordinance also establishes a Bankruptcy Contingency Fund comprising money accruing by way of bank interest on moneys belonging to bankrupt's estate deposited by the Official Receiver in the local banks for safe custody. The money in the fund may be utilized by the Official Receiver, with the consent of the court, for defraying the cost of instituting criminal proceedings against debtors, and for other similar purposes where no funds are otherwise available. Finally, the High Court is empowered to act in aid of and to be auxiliary to every British court elsewhere having jurisdiction in bankruptcy or insolvency.

Apart from the matters already referred to, the Ordinance contains one Part which breaks fresh ground and can only be referred to here in brief terms. Difficulties in bankruptcy administration have, for some years, been experienced in the East African Territories in cases where a debtor having property situated in two or more territories had concurrent bankruptcy proceedings taken against him in several of the territories. In such cases, the difficulties referred to had arisen by the attempts of a trustee appointed in one territory to seize assets which were claimed by the trustee appointed in another territory. Each court, not unnaturally, was jealous of its own jurisdiction and, in the result, bankruptcy proceedings in several territories went forward concurrently, each trustee seizing what he could and the creditors seeking participation in the division of several estates, albeit estates of one debtor. The position was not, of course, unprecedented, but the close proximity of the territories affected, and the fact that all commercial concerns of any consequence operate simultaneously in each of those territories, combined to call for some alteration in system, such as would ensure a pooling of all assets wherever situated in any of the territories, and their administration for the benefit of all creditors under the control of one trustee. In the absence of a constitution permitting federal legislation in the East African Territories, it became necessary for each territory that wished to associate itself with the achievement of this end to enact Bankruptcy Ordinances identical in principle, if not, in terms, and containing reciprocity provisions relating to those cases in which bankruptcy proceedings should be instituted concurrently against the same debtor in two or more territories. Such is Part IX of Ordinance No. 8, which results broadly in the court of Tanganyika being required to revoke any bankruptcy proceedings commenced within its jurisdiction in favour of proceedings, prior in time, instituted in any other of those territories against a debtor having property in the Territory and one or more of the other reciprocating territories; at the same time such court acknowledges the debtor to be bankrupt in Tanganyika by virtue of the adjudication order made in another territory, and recognizes the trustee appointed in such territory as the person in whom all assets vest and by whom they are to be distributed among all creditors

admitted to prove. The courts of the other reciprocating territories, by reason of the fact that identical legislation has been also enacted in Kenya, Uganda and Nyasaland, act similarly in favour of the Tanganyika adjudication where that adjudication is first in point of time.

Deeds of Arrangement.—Ordinance No. 10, introduced as substantive legislation ancillary to the Bankruptcy Ordinance, follows very closely the Imperial Act of 1914 and has no unusual feature.

Penal Code.—Ordinance No. 11 is a measure uniform with similar Codes enacted contemporaneously in Kenya and Uganda in replacement of the Indian Penal Code previously in force by application. The Code bears closer relation to English criminal law than the law it replaces and follows in the main a similar Code enacted in Nigeria. The new Code, however, deserves an article to itself and it must suffice here to say that it is reminiscent in many of its formulæ and phrases of Stephen's Digest and that, generally, it covers, in admirable fashion, the whole range of criminal law from treason and piracy to lotteries and rogues and vagabonds. It may be noted that the offences of criminal trespass and adultery constituted by the Indian Penal Code are not reproduced in the new Code, while the offences of outraging the modesty of a woman, forced labour and insult to religion, all peculiar to the Indian Penal Code, are included. The Code provides for the offence commonly known as "joy riding." There is a general provision that the Code shall be interpreted according to the principles of legal interpretation obtaining in England and that, in so far as the context permits, and, except where otherwise expressly provided, the expressions used in the Code shall be deemed to be used with the meaning attaching to them in English Criminal law.

Criminal Procedure Code.—Ordinance No. 12 repeals the application of the Indian Code of Criminal Procedure, but reproduces many of its provisions. Several important changes are, however, effected by the enactment of the Code, and it serves to bring the law of the Territory into closer consonance with English criminal practice. In particular, it is to be noted that all trials before magistrates commence by the reading of the charge alleged by the prosecutor, to which the accused person is required to plead at the outset. This effects a considerable saving of time, particularly in subordinate courts, and is a welcome change from the Indian procedure in "warrant" cases that required the court to frame a charge after hearing the prosecution evidence, if satisfied that there was a case to answer. Further, there is no power in the court to examine an accused person who, under the new Code, is permitted either to make a statement from the dock or to give evidence on oath in the witness-box, as he may elect. While under the Indian Code the accused was not permitted to give evidence, but could be, and often was, sharply cross-examined by the court, there is little doubt but that the introduction of English procedure in this respect better secures the ends of justice. It may also be mentioned that the Code brings into force the English rules of evidence with regard to the competency of the spouse of an accused person as a witness for the prosecution or defence, thus, to that extent, overriding the provisions of s. 120 of the Indian Evidence Act which is at present applied to the Territory. The Code also introduces the English rule that an accused may be cross-examined as to character if the nature or conduct of the defence is such as to involve imputations on the character of the complainant or the prosecution witnesses. With regard to matters not specifically provided for in the Code, it is provided that, subject to any

law for the time being in force, the High Court shall exercise its criminal jurisdiction according to the law and practice governing the High Court and the courts of Oyer and Terminer and General Gaol Delivery in England.

Courts.—Ordinance No. 13 is a measure repealing and replacing the Courts Ordinance, 1920, and the Establishment of Provinces Ordinance, 1926. It does not alter the constitution of the courts of the Territory, but reacts in substance the original law, modifying, or omitting entirely, certain sections to harmonize with the provisions contained in the new Criminal Procedure Code.

Corporal Punishment.—Ordinance No. 14 repeals and replaces the Whipping Ordinance, 1918, and applies to all sentences of corporal punishment except those passed by native courts constituted under the Native Courts Ordinance, 1929. The Ordinance provides complete exemption from corporal punishment for females, males sentenced to death, and males over the age of 45 years and regulates the infliction of corporal punishment on the usual well-recognized lines. The Ordinance also makes any juvenile (*i.e.* a person under the age of 16 years) liable to corporal punishment in lieu of any other punishment (except death) for which he may be liable under the Penal Code, or upon conviction for any offence punishable with imprisonment under any other law. The Schedule to the Ordinance comprises a list of offences for which male adults are liable to corporal punishment in addition to those for which corporal punishment is specifically provided under any law in force. Among the most noteworthy of the offences mentioned in the Schedule are (i) indecently assaulting or annoying a female, (ii) acts done with the intention of maiming, disfiguring, causing grievous harm or preventing arrest, (iii) cattle stealing, and (iv) offences against animals.

The Expulsion of Undesirables.—Ordinance No. 15 empowers the Governor in Council to make an expulsion order against any person not a native of the Territory, if any court convicting the person recommends the making of such an order, or if it appears conducive to the public good that such order should be made. To ensure the effectiveness of such an order, any person against whom such an order is made, or is recommended to be made, may be arrested and detained in custody till he is deported in pursuance of the order. A person against whom an expulsion order is made may present a memorial to the Governor that the order be not enforced, or that the time limited for obedience to the order be extended. All such memorials are to be inquired into by a board selected by the Governor comprising three or more persons, of whom one, at least, is to be a non-official. The board is invested with the powers of a court to summon witnesses and take evidence on oath regarding the matter before it, the memorialist is entitled to appear in person and be represented by an advocate, and the inquiry is to be held in public, unless the board determines otherwise. At the close of the inquiry, the board's report is forwarded to the Governor in Council for consideration only, and its recommendations are in no way binding upon the Governor. The Ordinance concludes with a general indemnity clause for all acts done, or omitted to be done, in the execution, or purported execution, of any expulsion order or any of the provisions of the Ordinance.

Pounds.—Ordinance No. 22 applies only to such districts of the Territory as the Governor may declare by notice in the Gazette, and it provides for the establishment and maintenance of pounds at the public

expense. A poundable animal is defined by the Ordinance as the male, female or young of any horse, ass, mule, kine, sheep, goat or swine, and it is an offence for any person who permits or suffers such an animal to trespass upon any cultivated or enclosed lands, or, upon unenclosed lands, if boundaries thereof are sufficiently defined in any of the ways specified in the Ordinance. Power is then given to the owner or occupier of any such lands to seize and send to a public pound any animal found trespassing thereon, but he may himself secure and keep the animal for a time not exceeding four days after the day of seizure, provided that, if a seizure fee is paid to him on a scale enacted by the Ordinance, he shall immediately hand over the animal to the payer. Further sections set out the procedure to be followed where an animal is placed in the public pound, and provide, *inter alia*, for pound fees, and the care and feeding of impounded animals and, in certain circumstances for their sale. Fraudulent impounding and the rescue of impounded animals are made offences. The remedies given by the Ordinance in respect of animals trespassing are expressed to be in addition to, and not in derogation of, any remedy by action or suit to which any person may be entitled in respect of any such trespass.

4. UGANDA PROTECTORATE.

[*Contributed by* NEVILLE TURTON, ESQ., M.A. *Acting Attorney-General.*]

Ordinances passed—29.

Penal and Criminal Procedure Codes.—The Penal and Criminal Procedure Codes (Nos. 7 and 8) replace the Indian practice and procedure by English law; on all main points these codes are common to the three territories of Kenya, Uganda and Tanganyika.

The subjects of Arbitration (No. 29), Bankruptcy, Deeds of Arrangement (No. 16) and Sale of Goods (No. 28) formerly legislated for by applied Acts, or in the case of Arbitration by an Act of general application, have been dealt with by Ordinances.

Bankruptcy.—The Bankruptcy Ordinance (No. 15), which is based on English law, contains provisions whereby the assets of a creditor in any of the three territories are available on his bankruptcy in any one of those territories; the other three Ordinances are based on English law.

Customs and Mining.—A new Customs Tariff Ordinance (No. 9) was also enacted and the subject of Mining dealt with in a comprehensive Ordinance (No. 12). All the above achieve uniformity with Kenya, Uganda and Tanganyika, except the Sale of Goods and Arbitration Ordinances which, so far, are only common to Kenya and Uganda.

Children.—By No. 13 the employment of children under the age of 12 in factories and workshops has been prohibited and the employment of children between that age and 14 regulated; another Ordinance (No. 27) provides for the establishment of reformatories.

Traffic.—A comprehensive Traffic Ordinance (No. 22) provides, *inter alia*, for the compulsory insurance of motor omnibuses and taxicabs.

Markets.—An Ordinance (No. 2) regulates the establishment and control of markets.

5. ZANZIBAR.

[*Contributed by* A. W. DOORLY, ESQ., *Attorney-General.*]

During the year fifteen Decrees were passed among which the following may be mentioned:

Asiatic Widows and Orphans Pensions.—By Decree No. 10 provision similar to that enacted for European officers is made for the payment of pensions to the widows and orphans of deceased Asiatic public officers.

Patents and Designs.—This law (No. 11) provides for registration in Zanzibar of patents or designs for which letters-patent or grants have been made in the United Kingdom. This Decree, which has not yet come into force, will eventually take the place, so far as patents and designs are concerned, of the Patents Designs and Trade Marks Decree, 1924.

Destitute Persons.—Decree No. 12 provides for the detention of destitute persons in suitable places in the event of such persons being unable or refusing to obtain work or if, being Africans or Arabs, they refuse to obey the order of the court to proceed to their usual places of residence. Power is also taken to deport foreign vagrants who fail to find work or for whom work cannot be found.

Trade Marks.—This piece of legislation (No. 15) is based largely on the trade marks legislation of the United Kingdom and contains provision for the registration, opposition to the registration, disclaimer, assignment and renewal of registration of trade marks. This Decree has not yet come into force, as the machinery for implementing its provisions is not yet available.

6. THE ANGLO-EGYPTIAN SUDAN.

[*Contributed by the* HON. THE ADVOCATE-GENERAL.]

Ordinances passed—16.

Apart from legislation dealing with the amendment of existing legislation, the most important enactments have been as follows:

Taxation of Motor Vehicles.—Ordinance No. 1 provides for the taxation of motor vehicles by abolishing the issue of provisional licences, and substituting in place a uniform system of licences enforceable throughout the Sudan.

Rabies.—Ordinance No. 4 repeals the Ordinance of 1911, and provides for the better protection of human beings and animals from rabies.

Sudan Government Provident Fund.—Ordinance No. 5 provides for and regulates a provident fund for certain classes of government officials.

Land Acquisition.—Ordinance No. 8 repeals previous Ordinances and provides for the acquisition of land for public purposes.

Quarantine.—Ordinance No. 9 repeals the Ordinance of 1908 and provides for the prevention of the conveyance of cholera, plague and other infectious or contagious diseases into and out of the Sudan.

Press.—Ordinance No. 12 authorizes by licence the publication of newspapers in the Sudan and provides for the control of the introduction of printed matter and its sale and distribution.

Petroleum.—Ordinance No. 13 regulates the storage of petroleum and other substances of a like nature.

Trade Marks.—Ordinance No. 14 provides for the registration and protection of trade marks.

The fifth part of the New Legal Regulations to which reference was made in last year's report, relating to authentication of documents and acceptance of instruments and powers of attorney executed outside the Sudan, has also been issued.

XI. SOUTH ATLANTIC.

1. BRITISH GUIANA.

[*Contributed by the* Hon. Hector Josephs, *Attorney-General.*]

There were forty-three public Ordinances enacted during the year. The principal of these were:

Tobacco Cultivation.—Ordinance No. 4, which by repealing the Tobacco Cultivation Ordinance, 1912, removes the restrictions on the growth, cultivation and manufacture of tobacco imposed by the earlier Ordinance. Such restrictions were considered unnecessary in view of the undeveloped state of tobacco cultivation locally.

Petroleum.—Ordinance No. 7 regulates the importation, storage and sale of petroleum. Petroleum is defined in accordance with the Imperial Petroleum Act, 1926, with the addition of methylated spirit, ether, carbon bisulphide. Special enactments are not considered necessary for the latter in this Colony. "Ordinary petroleum" is defined so as to avoid the use of the expression "petroleum other than dangerous petroleum and oil fuel." "Oil fuel" is petroleum with a flash point of 150° F. The conditions of keeping petroleum are prescribed by s. 5. Besides government warehouses private buildings may be licensed for the keeping of petroleum (s. 6). S. 11 is based on the Imperial Petroleum (Hawkers) Act, 1881, and legalizes the portable petrol-filling stations which exist in the Colony. In the Second Schedule the specification for the Abel apparatus for flash points not above 120° F. is an adaptation of the Imperial Petroleum Act, 1926 (Schedule). The specifications for the Penskey-Martens apparatus is taken from "Standard Methods of Testing Petroleum and its Products" by the Institute of Petroleum Technologists, London.

Life Assurance Companies.—Ordinance No. 14 makes statutory provision for the regulation of life assurance companies in the Colony, and is, with the exception of s. 27, an adaptation of the Straits Settlements Ordinance No. 145 (Life Assurance Companies). S. 4 imposes on every company the obligation to deposit with the Colonial Treasurer securities to the value of $50,000 in trust for the policy-holders. Where a life assurance company carries on other business, there must be a separate account and fund for life assurance business. S. 27 exempts from making a deposit a company which has made a deposit in Great Britain or Ireland or in any British Possession.

Rice (Export Grading).—Ordinance No. 18 empowers the Director of Agriculture with the approval of the Governor in Council to appoint inspectors (s. 4), and by s. 8 the Governor in Council may make regulations with regard to the manner and method of grading, places and manner of storage. The object is that only rice which has been inspected and placed in its proper category should be exported; there is no restriction in trading so long as the product is graded and conforms with one of the

fixed classes. S. 3 prohibits the exportation of rice without inspection. S. 5 gives to an inspector the right to enter any premises and seize and detain rice which he is of opinion is intended for export without being graded. There is a right of appeal to the Director or Deputy Director of Agriculture from any decision of or action taken by an inspector (s. 10).

Indictable Offences (Infanticide).—Ordinance No. 23 introduces into the Colony the provisions of the English Acts, the Infant Life (Preservation) Act, 1930 (19 & 20 Geo. V, c. 30) and the Infanticide Act, 1922 (12 & 13 Geo. V, c. 35).

Summary Conviction Offences. — Ordinance No. 24 (amending the Summary Conviction Offences Ordinance, 1893) provides for the punishment on summary conviction of persons committing certain fraudulent acts, *viz.*, (*a*) the fraudulent conversion of property (s. 94A). The offence is triable on indictment under Ordinance 3 of 1910, but a magistrate may now deal with cases when the value of the property does not exceed $100 ; (*b*) fraudulently obtaining credit and dealing with intent to defraud creditors (s. 101A) ; (*c*) ordering goods under a false trade description (s. 101B). In proceedings under this section evidence on affidavit is admissible to prove the receipt of an order for goods. This provision meets cases where goods are ordered from abroad.

Expulsion of Undesirables.—Ordinance No. 30 makes provision for preventing the entry into and the expulsion from the Colony of undesirable persons. An " undesirable person " means a person other than a British subject domiciled or resident in the Colony throughout the preceding two years (exclusive of any time in prison), and other than a consul, who, not having received a free pardon, has been convicted in the Colony or elsewhere of murder or of an offence for which he might have been sentenced to imprisonment for six months without the option of a fine, or whose presence is considered by the Governor in Council detrimental to the preservation of peace and good order. An " expulsion order " means an order by the Governor (*a*) prohibiting an undesirable person from entering the Colony or, (*b*) requiring him to leave within a fixed time or remain out of the Colony, or (*c*) directing that an undesirable be apprehended and deported. Where the Governor makes an expulsion order the police may apprehend and deport the person (ss. 3 and 4). Where he is a British subject the reasons for making the order shall be communicated to him and he may make answer within the time limited (s. 5). Any other person may make representations against the order. Any person disobeying an order or returning after having been deported under an order is liable to a maximum fine of $250 or six months' imprisonment or both (ss. 7, 8 and 12).

XII. WEST INDIES.

1. THE BAHAMAS.

[*Contributed by the* Hon. Harcourt Malcolm, K.C., O.B.E., *Speaker.*]

Acts passed—27.

Maintenance Orders.—The Maintenance Orders Facilities for Enforcement Act (c. 1) facilitates the enforcement in the Colony of maintenance orders made in other parts of the Empire by extending the provisions of the Maintenance Orders Facilities for Enforcement Act (c. 58).

Revised Edition of Laws.—The Revised Edition Conformity Act (c. 2) makes certain clerical amendments in Acts passed subsequent to the coming into effect of the Revised Edition of the Statute Law of the Bahama Islands in order to make the Acts conform with the Revised Edition.

Dower.—C. 6 authorizes the Registrar-General to take renunciations of dower in addition to the Chief Justice and the Magistrate.

Criminal Procedure.—C. 7 amends subsection 2 of s. 8 of the Criminal Procedure Act (c. 48) requiring that the Attorney-General's requisition to a magistrate to investigate a case be "by a writing under his hand."

Commission Merchants Registration.—C. 8 makes it unlawful for any alien to carry on the business of buying or selling any agricultural produce of the Colony without obtaining registration, under a penalty of £50 or imprisonment for six months.

Wild Birds Protection.—The New Providence Birds Protection Act (c. 11) empowers the Governor in Council to declare the Island of New Providence, with the exception of Lakes Cunningham and Killarney, together with adjacent cays within a radius of twenty miles a reserve for the protection of wild birds.

Births and Deaths Registration.—C. 12 amends s. 35 of the Births and Deaths Registration Act, 1929, by penalizing a registrar or assistant registrar for wilfully recording a birth or death which has not occurred, and provides for certain fees accidentally omitted from the Act.

Harbour Dues.—C. 18 re-enacts the Harbour Dues Act, 1928 (c. 102), with variations: (1) of the landing rates and pierage charges on goods imported into or exported from New Providence; (2) of the tonnage dues on vessels; and (3) of the charges on passengers arriving at or departing from New Providence.

Vessels entering Nassau Harbour carrying less than 200 tons of cargo pay half-rates.

The owner, master or agent of a vessel is liable for payment of charges on passengers.

Special rates are accorded to Munson Line vessels under contract with the Bahamas Government.

The following vessels are exempt from pierage charges: ships-of-war; the imperial lighthouse service tender; Bahamas government tenders.

The following vessels are exempt from tonnage dues: ships-of-war, transports and other vessels employed solely on government service; the imperial lighthouse service tender; vessels in distress and not landing any cargo; yachts whilst employed in pleasuring only; cable ships and air-craft; all vessels owned or chartered by the Munson Steamship Line so long as they are employed under any contract with this Government made prior to September 13, 1928.

Racecourse Betting.—C. 21 regulates the use of totalizators on certain racecourses and makes provision with regard to betting thereon.

Public Holidays.—C. 23 amends the Public Holidays Act (c. 277) by supplying a new definition of the word "shop," and provides for the setting aside of any part of a day as a public holiday.

2. BARBADOS.

[*Contributed by* C. V. H. Archer, Esq., *Attorney-General.*]

There were twenty-nine Acts passed during the year 1930, of which the most important are the following:

Merchant Shipping.—No. 4 provides against the conveyance of seamen from their ships without the permission of their masters.

Petroleum.—No. 21 of 1929 imposed a charge on volatile petroleum withdrawn from the government petroleum warehouse. No. 8 of 1930 allows a drawback of this charge when the petroleum is being withdrawn for export or for use in aircraft.

Escheat.—No. 14 makes the droits of the Crown so far as they consist of the personal estate of persons dying intestate without heirs or next of kin part of the general revenue of the Island.

Public Health.—No. 15 extends the area in which the keeping of swine is prohibited.

Public Loan.—No. 28 of 1928 authorized the raising of a loan to cover the cost of effecting certain works and carrying out certain purposes specially mentioned in the schedule thereto and of effecting other works and carrying out other purposes to be determined from time to time. No. 16 of 1930 adds to the schedule to No. 28 of 1928 certain other works and purposes.

Insurance.—No. 17 provides for the insurance of government furniture.

Telephone.—No. 22 empowers a private company to break up streets and lay cables containing wires thereunder for the purpose of effecting telephonic communication.

Sugar.—No. 23 authorizes the appointment of a commission to inquire into matters connected with the marketing and shipping of sugar, molasses and other products of the Island.

Electricity.—No. 26 gives the Governor power to grant the right, exclusive or non-exclusive, to supply electricity and prohibits, except under statutory authority, the supply of electricity by any company or person whose principal business is that of supplying electrical energy. Under the pre-existing law the Governor was authorized to grant only an exclusive right to supply electricity.

Agricultural Credit Societies.—No. 27 increases the facilities under which money may be borrowed by peasant agriculturists and provides proper methods of control and supervision for working agricultural credit societies.

Legitimation.—No. 29 provides for the legitimation of persons born out of wedlock, whose parents subsequently marry and gives them and their parents, in certain cases, the right to take property on an intestacy.

3. JAMAICA.

Ordinances passed—25.

Casual Revenue.—No. 3 provides that personal estate of persons dying intestate and without next of kin shall be carried to the general revenue.

Teachers' Pensions.—No. 5 provides for retiring allowances and gratuities to teachers of certain training colleges in Jamaica, and No. 7 for retiring allowances to teachers in elementary schools.

Dangerous Drugs.—No. 8 extends the provisions of the Dangerous Laws, 40 of 1924, 11 of 1928 and 23 of 1928, to Turks and Caicos Islands and the Cayman Islands.

4. WINDWARD ISLANDS.

(i) Grenada.

[*Contributed by* H. W. Steele, Esq., *Acting Attorney-General.*]

In the year 1930, twenty-six Ordinances were passed, eighteen of which were amending Ordinances, three appropriation and one repeal. The remaining four are:

Electricity Supply.—Ordinance No. 12 provides for electric light and electrical energy for the town of Saint George and its environs.

Registration of Clubs.—Ordinance No. 13 makes provision for the registration of clubs and the sale of intoxicating liquors therein.

Exportation of Fruit.—Ordinance No. 22 provides for the establishment of a government bureau for the grading and packing of all fruit and vegetables to be exported from the Colony.

Arbitration (Foreign Awards).—Ordinance No. 26 follows generally the Imperial Arbitration (Foreign Awards) Act, 1930.

(ii) Saint Lucia.

[*Contributed by* J. E. M. Salmon, Esq.]

Ordinances passed—14.

Amusements.—The Circus and Similar Shows Amendment Ordinance, No. 10, amends No. 9 of 1925. It empowers the Governor in Council to grant licences for local shows at such smaller fees and on such conditions as he may prescribe.

Courts.—The Royal Court Amendment Ordinance, No. 11, amends No. 1 of the 1916 Revision. It provides for the discharge of the judge's duties in certain cases, for appeals from the judge sitting as magistrate, and for the keeping of accounts by the officers of the court and the counter-signature of cheques issued by such officers. The Ordinance became necessary as the judge has now to perform the duties of magistrate of the First District.

Designs and Trade Marks.—The Commercial Code (Patents, Designs and Trade Marks) Amendment Ordinance No. 4, amends the Commercial Code, 1916, and provides for the registration of United Kingdom designs and United Kingdom trade marks in the Colony. It also empowers the Governor in Council to prescribe fees.

Education.—The Scholarship Ordinance, No. 8, repeals No. 11 of 1929 and makes provision for an Island scholarship to be awarded for the year 1930.

Exports.—The Fruit (Exportation) Ordinance, No. 13, provides for the inspection, packing and control of fruit for export from the Colony.

Married Persons.—The Maintenance Orders (Facilities for Enforcement) Amendment Ordinance, No. 3, extends the provisions of No. 7 of 1921 to British possessions and Protectorates. It also repeals No. 8 of 1922.

The Married Persons Property Ordinance, No. 14, provides for the sole control and disposal of her separate property by a married woman and for her to sue and be sued alone, also as to the separate property of husband and wife and their liability therefor and for the registration of marriage contracts, also for disposal of community property and for

determination of questions affecting a married woman's property and for the minority or other incapacity of a husband or wife. The provisions of the Ordinance are to apply as the case may be to a married woman whether married before or after the coming into force of this Ordinance even if married in community and to her property notwithstanding anything to the contrary in the Civil Code, the Civil Procedure Code, the Commercial Code, the Summary Jurisdiction (Married Women) Ordinance 1916 Revision (No. 9), or in any other law or enactment. The law as to the property of husband and wife in the Colony is based on community of property in the absence of a marriage contract. As the husband is head of the community, which practically gives him the sole control and disposal of the community property during his lifetime, it was considered that some change was necessary to protect a wife's separate property and earnings. The Ordinance is an attempt to make the law as to married women's separate property as well as to married persons' property more satisfactory. The Ordinance is to come into force January 1, 1931.

Public Officers.—The Guarantee Fund Amendment Ordinance, No. 1, amends No. 91 of the 1916 Revision. It defines " officer " and provides for contributions by officers and for the application and distribution of such contributions. It also provides for the keeping of the income account.

Revenue.—The Customs Duties Amendment Ordinance, No. 5, amends No. 6 of 1928 as to the rates of duty payable on imported sugar.

The Casual Revenue Appropriation Amendment Ordinance, No. 9, appropriates to the general revenue of the Colony the personal estate of intestates dying without heirs or next of kin. It legalizes existing practice.

(iii) St. Vincent.

Ordinances passed—17.

Legitimacy.—No. 5 amends the law relating to children born out of wedlock, and is modelled on the English Legitimacy Act, 16 & 17 Geo. V, c. 60.

Escheat.—No. 7 provides for the ultimate reversion of personal estates of persons dying intestate and without heirs or next of kin to the general revenue of the Colony.

Arrowroot.—No. 15 creates a body corporate to market arrowroot and to regulate and control the export thereof.

5. TRINIDAD AND TOBAGO.

[*Contributed by* L. H. Whitehead, Esq.]

Thirty-six Ordinances were passed in 1930, of which the following are of interest:

Veterinary Surgeons (Registration).—Ordinance No. 8 provides for the registration of veterinary surgeons. Only those duly registered may describe themselves as veterinary surgeons and recover fees by process of law. Registration is controlled by a Board consisting of the government veterinary surgeon and two qualified persons to be appointed by the Governor. The following are eligible for registration: (*a*) persons registered as veterinary surgeons or entitled to be so registered in Great Britain or Northern Ireland; (*b*) persons holding certificates granted in

a British Possession or foreign country and approved by the Board; and (*c*) persons who at the commencement of the Ordinance have for three years been *bona fide* engaged in the practice of veterinary surgery in the Colony.

A right of appeal to the Governor from a refusal to register is given. The Board may erase from the register the name of any veterinary surgeon who is convicted of felony or misdemeanour or is adjudged by the Board to have been guilty of infamous or disgraceful conduct in a professional respect.

Public Trustee.—Ordinance No. 21 provides for the appointment, powers and duties of an officer to be called the Public Trustee. The Ordinance follows closely the Public Trustee Act, 1906, of the Imperial Parliament.

Water Control (Oil-bearing Sands).—Ordinance No. 29 provides for the protection of the oil-bearing sands of the Colony from access of water. The Governor is given power, where in his opinion an oil well is in a condition which may result in access of water to oil-bearing sands, to require the manager to take preventive measures within a specified time, and if such measures are not so taken, to cause them to be taken at the cost of the owner.

Oilfield Fires Control.—Ordinance No. 35 gives power to deal with emergencies which may arise in consequence of the outbreak of a fire or the uncontrolled flow of oil or gas on an oilfield.

Provision is made for the appointment of a body to be called the Fire Control Authority. Whenever the Governor is of opinion that a fire or an uncontrolled well on an oilfield may become a danger to life or property he may direct the Authority to enter on the oilfield or any other land for the purpose of extinguishing or controlling the fire or controlling the well, and the authority may thereupon enter and take all necessary action. To enable the authority to carry out its work more efficiently the Governor may appoint a person to be called the "salvor," who will have all the powers of the authority.

The expenses incurred by the authority and the salvor are to be recoverable from the owner.

The Ordinance does not take away or diminish the liability of an owner for damage to the property of another caused by fire on or uncontrolled flow of oil or gas from his oilfield or as the result of measures taken by him or his servants or agents, and such owner will be liable to the party injured for all damage caused by measures taken by the authority or the salvor.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by* H. C. F. Cox, Esq., *Attorney-General.*]

Ten Ordinances were enacted during the year 1930:

Justices.—Ordinance No. 1 is an amendment to the Summary Procedure Ordinance and provides that forfeitures not pecuniary shall be sold or otherwise disposed of as the Governor may by general or special order direct, the proceeds of any such sale being paid into the Treasury.

Unrepresented Estates.—Ordinance No. 2 extends to equitable and moral claims the provisions of the law relating to claims, other than those of a creditor, against unrepresented estates, and also provides that the personal estate of any person who dies intestate without widow, husband, heirs or next-of-kin shall form part of the general revenue of the Colony.

Markets.—Ordinance No. 3, which is an amending Ordinance, extends the scope of the principal Ordinance to include itinerate vendors of market produce as defined, and extensive rule-making powers are given under which market produce sold in the streets is only sold under supervision and under hygienic conditions. The Ordinance also gives wide power to prevent the introduction of disease through contaminated fresh food.

Air Navigation.—Ordinance No. 4 repeals the local law relating to Air Navigation. Air Navigation in Gibraltar is now governed by the provisions of the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927, and the directions of the Governor made thereunder.

Midwives.—Ordinance No. 5 makes it an offence for an uncertificated person to attend a woman in child birth. This was in substitution for the previous enactment under which the attention had to be " habitually." The Ordinance does not affect those persons undergoing medical training who attend as part of their course of practical instruction, or cases of sudden and urgent necessity.

Evidence.—Ordinance No. 6 provides for the receiving in evidence in court of copies of Acts, Ordinances and Statutes passed by the Legislature of the United Kingdom or of a British Possession, and of Orders, Regulations and other instruments issued thereunder if purporting to be printed by the government printer, and also makes it an offence for anyone to print or tender in evidence any copy or pretended copy of any such documents purporting to be printed by the government printer.

Company.—Ordinance No. 7 is the most important piece of legislation passed during the year. It is a large work consisting of 320 sections and 10 schedules and reproduces in Gibraltar all the relevant portions of the Imperial Company Act, 1929 (19 & 20 Geo. V, c. 23). Owing to the previous absence of legislation in Gibraltar relating to companies, companies even if operating solely in Gibraltar had of necessity to be incorporated out of Gibraltar and in most cases they were registered in England. Since the Ordinance was enacted several companies have been incorporated in Gibraltar.

Company Duties.—Ordinance No. 8 is to a certain extent supplementary to Ordinance No. 7 in that it reproduces in Gibraltar the provisions of the Imperial Laws relating to the payment of capital duty upon the nominal share capital of a company and upon loan capital and debenture stock. The Ordinance is based upon the provisions of ss. 112 and 113 of the Stamp Act, 1891 (54 & 55 Vict. c. 39), together with the various amendments to those sections in subsequent Revenue and Finance Acts.

Revenue.—Ordinance No. 9 amends the Revenue Ordinance, 1923, to provide that various containers such as hogsheads, tierces, etc., shall be computed as containing a specified number of gallons each. It was necessary to vary the figures in the Revenue Ordinance, 1923, as the previous ones allowed a considerable quantity of spirit, wines and malt liquors to enter Gibraltar duty free.

Motor Cars.—Ordinance No. 10 repeals and re-enacts the law relating to motor cars. The Ordinance is an important one in Gibraltar in view of the considerable traffic between Spain and Gibraltar which necessitates

most of the motor cars and drivers in Gibraltar having to comply with the requirements of the International Convention with respect to the international circulation of motor cars.

Under the Ordinance and Regulations, certificates of competence are issued. These certificates are only issued after an examination showing that the individual concerned is fit to drive. The certificates in the case of private drivers do not need renewing but those in the case of hiring cars, lorries and other similar vehicles have to be renewed every three years and then only upon condition that the individual still holds a good character: international certificates for motor vehicles and international driving permits being issued in accordance with the requirements of the International Convention.

2. CYPRUS.

[*Contributed by* H. W. B. Blackall, Esq., *Attorney-General.*]

During the year 1930 thirty-seven Laws were enacted of which the most important were the following:

Public Rivers.—No. 1 provides penalties for any damage or destruction to river banks and walls with the object of more effectively safeguarding the public and property from the danger of floods and empowers commissioners to prohibit the dumping of rubbish, etc., in river beds or banks.

Horse Breeding.—No. 2 provides for the licensing of stallions with a view to improving the quality of horses and mules in the Colony and the prevention of breeding from unsound stocks.

Customs and Excise.—No. 4 empowers the Governor in Council to make regulations prescribing the places where and the manner in which animals, other than dogs and poultry, shall be kept under observation prior to exportation and provides for the issue of Health Certificates by the government veterinary officer. No. 36 prohibits (*a*) the exportation from the Colony to the United Kingdom of Great Britain and Northern Ireland of certain goods unless they bear a mark of origin and (*b*) the exportation of mares and fillies.

Maintenance Orders.—No. 7 amends the Maintenance Orders (Facilities for Enforcement) Law, 1921, by making provision for the extension of that law to any British possession or any territory under His Majesty's protection in respect of which the Governor is satisfied that there exist reciprocal provisions for the enforcement therein of maintenance orders made by courts in Cyprus.

Bankruptcy.—No. 8 is modelled on the lines of the English Bankruptcy Acts, 1914 and 1926, and it repeals all the provisions of the Ottoman Commercial Code relating to bankruptcy.

Clubs.—No. 10 provides machinery for the annual registration as clubs of all societies of not less than twenty persons associating together for social intercourse.

Firearms.—No. 11 amends and consolidates the existing laws relating to the possession and use of firearms, makes provision for the licensing of dealers in firearms and ammunition and gives discretionary power to commissioners to refuse licences to certain persons. It prohibits the manufacture of firearms in the Colony.

Recovery of Compensation for Injury to Property.—No. 12 repeals the existing laws relating to malicious injury to property and introduces a new system for the recovery of compensation for damage caused to property

by persons unknown or by undetected animals, or by undetected sheep or goats. The amount of compensation is assessed by the mukhtar, who prepares a list allocating the amount payable by each inhabitant. The commissioner of the district is given power to confirm such list when no objection is made or to hear evidence when objection has been made to such list and to decide finally in the matter.

Hotels.—No. 16 provides for the licensing of hotels by hotel licensing boards in order to ensure that they shall be kept by fit and proper persons and that hotel buildings shall be suitable and sanitary.

General Loan and Inscribed Stock.—No. 20 gives general power to Government to raise money upon the security of debentures or inscribed stock in England.

Trustee Investment in Cyprus Government Securities.—No. 21 is complementary to the General Loan and Inscribed Stock Law, 1930, and makes certain provisions for the protection of trustees and others who may invest trust funds in any loan raised under the provisions thereof.

Newspaper, Books and Printing Presses.—No. 23 repeals the various Turkish laws relating to newspapers and printing presses. It is divided into four parts, interpretation of terms being dealt with in a preliminary section.

Part I deals with printing and publication of newspapers and provides for the granting of permits and prescribes the qualifications of applicants to print or publish newspapers and the conditions, the essential one of which is to give and execute a bond in the sum of £200 with sureties, with which they have to comply. It vests certain discretionary power in the Colonial Secretary to cancel permits subject to appeal to the Governor in Council.

Part II deals with the preservation of copies of books printed in the Colony and provides for the regulation of such books.

Part III deals with the keeping of printing presses and provides that no person shall keep or have in his possession any printing press without having previously obtained a permit.

Part IV contains general provisions, the most important of which are the following: (*a*) The power of the court to prohibit, either absolutely or on conditions, the publication of newspapers after conviction for printing or publishing therein a seditious or other libel. (*b*) The government printing establishment and government publications are exempted from the operation of the law. (*c*) A time limit of six months is prescribed for prosecutions, which can only be instituted in the name of the Attorney-General and with his consent.

Contract.—No. 24 introduces in a comprehensive form and on up-to-date lines the principles of English law relating to contract in substitution of the relevant chapters of the Ottoman Civil Code (Mejellé). The provisions of the Ottoman Civil Code relating to interdiction and pre-emption have been repealed and not replaced as being unsuited to modern requirements.

Municipal Corporations.—No. 26 amends and consolidates the existing laws relating to municipal councils and provides for the creation of municipal corporations. It extends the life of councils from three to five years and makes provision for the preparation of annual estimates by councils and the submission thereof for approval to the Governor and for the audit of municipal accounts by the government auditor.

Tree Planting.—No. 28 empowers the Governor to declare an area

within a village a tree-planting area. Thereafter for a period of ten years, during which the Director of Agriculture is bound to inspect and report upon the development of such area, no person is allowed to graze or take any animal in, upon or along any such area.

Telephone.—No. 30 gives power to the Governor to enter into an agreement for a telephone service in the Colony with Imperial and International Communications Limited.

Public Loan.—No. 32 authorizes the Governor to raise a loan of £600,000 for the construction of certain public works.

Census.—No. 34 provides for a permanent census law and, *inter alia*, gives power to (*a*) the Governor in Council to direct by Order the taking of a census, and (*b*) the Governor to make regulations for carrying into effect any such Order in Council.

Motor Omnibuses.—No. 35 gives temporarily to municipal councils some control of motor buses plying for hire within municipal limits by the issue of permits and the fixing of fares.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed—7; Ordinances passed—15.

The Malta Constitution Act passed by the Imperial Parliament in July 1932 removes the doubts which had lawfully arisen as to the validity of Maltese legislation enacted in 1929 and 1930.

Expropriation of Private Property.—Act No. 3 amends Ordinance No. VII of 1868, and provides better guarantees for the protection of property expropriated on the ground of public utility. It enacts that the indemnity to be paid for such expropriation must consist of the fair price which, in the opinion of duly appointed engineers, architects or other competent experts, the property expropriated "would have obtained in a voluntary sale by a willing vendor to a willing buyer," with the addition of 8 per cent.

White Slave Traffic.—Ordinance No. 7 co-ordinates, after various repeals and amendments, the laws relative to the suppression of the white slave traffic. It makes illegal the keeping of brothels and of prostitution. For the purposes of consent the Ordinance defines a girl under age as a "woman who has not yet completed 21 years."

XIV. MANDATED TERRITORIES.

1. PALESTINE.

Contributed by Norman Bentwich, Esq., O.B.E., M.C., *Attorney-General.*]

Ordinances passed—25.

The output of legislation in the year 1930 was considerably less than that of the previous years, and most of it consisted of amendments of earlier ordinances. The principal new measures were the Partnership Ordinance, introducing the principles of the English law; a Drainage Ordinance which applied for the first time the principles of English Public

Health authorities in the country; and a Post Office Ordinance which defines and enlarges the powers of the Government over posts, telegraphs and telephones.

Drainage.—No. 17 enables a local authority to construct and maintain sewers and drains. It may require premises to be drained into the public sewers. It may levy for the purpose a drainage rate in addition to the house rate.

Partnership. — The law of partnership in Palestine was hitherto governed by the Ottoman Commercial Code, which is based on the French law. Ordinance No. 19 replaces that law by the English rules, but it does not apply to a partnership which is not formed for the purpose of carrying on any trade, profession or industry, unless it is registered in accordance with the provisions of the Ordinance. The effect is that agricultural partnerships will continue to be governed by the Ottoman Code. While the English law is followed closely as to the incidents of partnership, the old rule of the Ottoman law is preserved that a partnership is a legal person and may sue or be sued in the name of the firm. Every partnership carrying on business in Palestine, whether formed in Palestine or abroad, must be registered. Special rules are included concerning limited partnerships.

Post Office.—Ordinance No. 20 supersedes the Ottoman legislation about the post and telegraph service. It follows closely the English law, but it gives considerably larger powers to the Government in the way of taking land for telegraph works. Thus, if such a work is placed or constructed on land immediately adjoining any street or public road, and the lessee or owner of the land requires the alteration of the work, he may be required to pay the cost of removal.

Courts.—Among the amending Ordinances two are concerned with the criminal law and the courts. The Contempt of Court Ordinance (No. 25) introduces the offence of "scandalizing the court," which was unknown in the Ottoman law. The offence consists in using words of any judge with intention to defame him in that capacity or publishing any invective against a judge with the view to bringing the administration of justice into contempt or suspicion.

The Magistrates' Court Jurisdiction Ordinance (No. 22) amends the powers of the magistrate in civil jurisdiction.

The Penal Labour Ordinance (No. 6) extends the period for which the system of labour outside the prison may be applied to sentences of three months instead of one month.

Trade Marks and Patents.—Two amending Ordinances (Nos. 12 and 13) give effect to the international convention of 1928 for the protection of Industrial Property.

Land.—The Land Settlement Amendment Ordinance (No. 18) makes a number of detailed modifications in the procedure of the settlement of the land which is now being carried out in Palestine.

Bills of Exchange.—The Ordinance of last year which introduced the English principles of the law of bills and cheques is amended (No. 21) by a clause which maintains a rule of the present practice by which, where the holder of a bill is a bank, presentment may be deemed to have been duly made by the service through the registered post of a notice by the bank demanding that payment shall be made at the office of the bank.

Women Advocates.—The most novel legislation of the year regulates the admission of women as advocates before the civil courts. The Ordin-

ance (No. 14) provides that a person shall not be disqualified by sex from being the holder of a licence to practise as an advocate in the civil courts. Where the holder of a licence is a woman, she shall not have the right of audience in a Tribal Court or in a Moslem Religious Court unless she is certified by the Supreme Shari Council to be qualified to practise.

2. 'IRAQ.

[It is hoped to publish this Summary in the next *Review*.]

FOREIGN.

1. UNITED STATES OF AMERICA.

Federal Legislation.[1]

Citizenship.—Further progress towards placing men and women on an equality as regards citizenship status is made by Public 508. Under the Cable Act of September 22, 1922, a woman citizen did not lose her citizenship by reason of her marriage to an alien eligible to citizenship, but if during the marriage she resided abroad for two years in her husband's country or for five years in any place, she was presumed to have lost her citizenship. This presumption is repealed. The Cable Act also provided that a woman who had lost her citizenship prior to the passage of the Act by reason of her marriage to an alien eligible to citizenship could be naturalized without declaration of intention and upon proof of only one year's residence instead of the five-year period ordinarily required of petitioners for naturalization. Public 508 makes it still easier for her to regain her citizenship. She is relieved from requirement of declaration of intention, certificate of arrival in this country, and from any proof of residence, nor need she state in her petition that it is her intention to reside permanently within the United States. The petition may be filed in any naturalization court regardless of the petitioner's residence, and if she has appeared before a naturalization examiner the petition may be heard immediately after filing without waiting the customary ninety days. These privileges are not granted to a woman ineligible to citizenship nor to a woman who has acquired any other nationality by affirmative act.

Before the passage of Public 508, the Immigration Act of 1924, as amended, gave non-quota status to a woman who was a citizen of the United States and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien, but who at the time of her application for an immigration visa is unmarried. Public 508 extends the non-quota status to a woman who lost her citizenship by reason of her marriage to an alien regardless of the date of the marriage and regardless of her marital status at the time of applying for an immigration visa, and gives the same non-quota status to a woman who lost her citizenship by reason of a loss of citizenship by her husband or by marriage to an alien and residence in a foreign country.

Public 348 grants to Chinese wives of American citizens, married

[1] Extracts from *The American Bar Association Journal*, vol. xvii, Nos. 2 and 3.

prior to May 26, 1924, exemption from the provisions of the Immigration Act of 1924, barring from admission aliens ineligible to citizenship.

Prohibition.—Most discussed among changes in the administration of the government is the new device for prohibition enforcement, which still continues in the Treasury control over a substantial portion of the means used to circumvent the Volstead Act. Public 273 establishes a Bureau of Prohibition, headed by a Director of Prohibition, in the Department of Justice, and transfers to the Department of Justice the duty of enforcing the National Prohibition Act. By the new law the Attorney-General is charged with the investigation and determination of the violations of, and the apprehension and prosecution of offenders against, and the effecting of seizures and forfeitures under, the National Prohibition Act and the internal-revenue laws in so far as there is a violation of the National prohibition laws. The necessary powers to carry out these duties are conferred upon the Attorney-General. The issuance of permits for the manufacture of industrial alcohol and the collection of internal-revenue taxes on liquor where there is no violation of the National Prohibition Act remain in the Treasury Department under the supervision of the newly created Bureau of Industrial Alcohol. The law makers recognize, however, that besides its legitimate use, such alcohol may be deindustrialized and serve as a source of supply for the bootlegger. They, therefore, vested in the Attorney-General a wide power of interposition in the working of the Bureau so that he may assure himself that administrative levees are erected to keep the stream of alcohol from overflowing its industrial banks. Regulations relating to permits and the form of applications, bonds, permits, records, and reports under the prohibition laws, are to be prescribed jointly by the Attorney-General and the Secretary of the Treasury. The Attorney-General also is given power to act jointly with the Secretary of the Treasury in passing on applications for permits or renewals, and where he does no permit can be granted or renewed without joint approval. Provision is made for investigation by the Attorney-General of violations of the National prohibition laws with respect to the functions which remain in the Treasury Department, and the law contains requirements that the Treasury place at the Attorney-General's disposal information with respect to applications for, and investigations of, alcohol permits. A section authorizes delivery of seized vessels and vehicles to the Department of Justice for use in the enforcement of the National Prohibition Act.

Narcotic Drugs.—The Federal narcotic drugs Act is based on taxation of the drugs and licence taxes on persons who may legitimately deal in them or use them professionally, so that the enforcement of the Act is retained in the Treasury and not transferred with Prohibition, to Justice. With a view to improving the efficiency in the enforcement of the Federal narcotic drug laws, however, Public 357 was enacted. The Act centralizes the enforcement functions under the narcotic laws in a Bureau of Narcotics in the Treasury Department, under a Commissioner of Narcotics. The assessment and collection of revenue from narcotic drugs remains with the Commissioner of Internal Revenue. In order to aid the Commissioner of Narcotics in determining the amounts of crude opium and coca leaves to be imported into the United States under the Narcotic Drug Import and Export Act, the Surgeon-General of the Public Health Service is authorized to make certain studies and investigations relating to the use of narcotic drugs and the amount necessary to supply the

medicinal and scientific needs of the United States. S. 6 of the Act modifies certain provisions in the Narcotic Drugs Import and Export Act (U.S.C., Title 21, § 171) by authorizing the Commissioner of Narcotics to permit an additional amount of coca leaves to enter this country, provided that such coca leaves shall be decocainized under his supervision. The purpose of this section is to make available an increased quantity of certain extracts derived from coca leaves which enter into the manufacture of a certain beverage widely used in the United States and foreign countries. The Act further provides that the Secretary of the Treasury shall co-operate with the several States in respect to their narcotic drug problems, particularly those relating to legislation and the prosecution of narcotic cases before the courts. In order to aid in the prevention of smuggling of narcotic drugs into the United States and in order to bring about closer co-operation between customs officers and narcotic field officers, the Commissioner of Narcotics may delegate authority and power of customs officers to narcotic field officers.

Courts.—Public 287 amends s. 649 of the Revised Statutes (U.S.C., Title 28, § 773) to permit parties in a civil case in the district courts to waive a jury trial by an oral stipulation made in open court and entered in the record, and provides that the finding of facts by the court when such oral stipulation is made, as in the case of a written stipulation, shall have the same effect as the verdict of a jury. Hitherto it has been held that a finding of the court after an oral waiver of jury trial could not be considered on appeal for any purpose, and the record was treated as if it were a general finding, with no review of any alleged errors as to admission of evidence, burden of proof, or sufficiency of evidence.[1] S. 700 of the Revised Statutes (U.S.C., Title 28, § 875) is construed to apply to, and to permit a full review of, all questions of law only when a written stipulation of waiver is filed. In the absence of such written waiver only the primary record of process, pleading and judgment is reviewable, because the findings of the judges are not judicial in character, but are similar to findings in an arbitration or submission upon an agreed statement of facts.[2] The amendment removes this limitation on the review of civil cases tried by the court without a jury.

Taxation.—Public 376 provides further exemption from taxation in the case of Treasury bills, which are issued on a discount basis and payable at maturity without interest. The amount of discount by previous legislation was considered to be interest and exempt from taxation (except estate and inheritance taxes) by the United States, any State, or any possession of the United States, or any local taxing authority. The new Act grants a similar exemption to any gain from the sale or other disposition of Treasury bills issued after June 17, 1930, and further provides that no loss from the sale or other disposition of such bills shall be allowed as a deduction or otherwise recognized for the purposes of any tax imposed by the United States or any of its possessions. It will be noted that the exemption of gain from taxation extends to State taxation, but that the prohibition of deduction of a loss is confined to taxes imposed by Federal authority.

Banking.—Public 435 amends s. 11 of the Federal Reserve Act so as to enable National banks to surrender voluntarily the right to

[1] *Commissioners of Road Improvement District* v. *St. Louis Southwestern R. Co.*, 257 U.S. 547, 562.

[2] *Law* v. *United States*, 266 U.S. 494.

exercise trust powers in order to relieve them of the necessity of complying with the provisions of law governing banks exercising such powers and to permit them to obtain a return of securities deposited with the State authorities for the protection of private or court trusts. In order to expedite the settlement of the affairs of failed National banks, Public 55 authorizes the receiver of a National bank, with the approval of the Comptroller of the Currency and upon the order of a court of record of competent jurisdiction, to compromise, either before or after judgment, the individual liability of any shareholder of the bank.

Carriers.—Public 164 amends paragraph (11) of s. 20 of the Interstate Commerce Act, which relates to carriers limiting, by contract or otherwise, their liability for loss, damage or injury to property transported. Heretofore, in the case of a claim being filed on account of any such loss, damage or injury, that paragraph has provided that the carrier could not fix a shorter period than four months for filing claim, or a shorter period than ninety days for giving notice that the claim was to be filed. By virtue of changes made by this amending Act, the carrier now may not fix a period of less than nine months for filing of the claim; and the prohibition on limiting the time for notice of claim is struck out, the committee report stating that carriers do not require such notices. The amending Act also repeals a proviso to the effect that no notice of claim, and no filing of claim, should be required as a condition precedent to recovery, in any case where the loss, damage or injury was due to carelessness or negligence while the property was in transit or was being loaded or unloaded, or was due to unreasonable delay in transit or in loading or unloading. The repealed proviso also provided that in such cases no suit could be instituted after three years from the time the cause of action accrued. The effect of the repeal of the proviso is to subject such cases to the same requirements as to filing of claim and bringing of suits as other loss and damage claims.

Agriculture.—To afford agriculture, so far as practicable, the same opportunity to participate in the benefits of the patent system as has been given industry, Public 245 provides that any person who has asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, may obtain a patent therefore upon a showing of facts similar to that necessary for the obtaining of patents for industrial inventions. The patentee is thereby granted the exclusive right to propagate such a plant by asexual reproduction, but not by seeds.

State Legislation.[1]

Taxation.—Mass. c. 416 abolishes the ex-officio board of tax appeals and creates a new board of tax appeals to hear appeals from the commissioner of corporations, county commissioners, etc. Appeals on questions of law may be taken to the supreme judicial court. The Federal board has much in common with this new board, but there is probably nothing similar in any other State.

Mass. c. 220 makes its bank tax law conform to the Macallen decision and redefines net income as being the kind of income which would be taxable if received by an individual. Kan. c. 16 makes several changes in the method of valuing bank stock for taxation and brings mortgage investment and other finance companies within the statute. Va. c. 26

[1] Extracts from the State Law Index, 1929–1930, No. 3.

authorizes cities having a population of less than 10,000 to levy a tax on bank stock, the same to be a credit against the State tax.

Ky. c. 149 is a sales tax Act imposing rates graduated according to the amount of business. The rates range from one-twentieth of one per cent. on sales up to $400,000 to one per cent. on sales over $1,000,000. A general sales tax also is provided by Miss. c. 90 with rates varying from one-tenth of one per cent. to one per cent. according to the value of the business. There is a $5,000 exemption, and privilege taxes are deductible. The rate on retail stores is one-fourth of one per cent. Chains of more than five stores pay an additional one-fourth of one per cent.

N.Y. c. 357 enacts a provision similar to that in the Federal Act under which income from a trust for the payment of life insurance premiums on policies covering the grantor, or under which he is the beneficiary, shall be included in the income of the grantor. The new estate law of N.Y. c. 710, which is based on the Federal law, provides for an estate tax and supersedes the former transfer and estate tax laws. Under this law estates of less than $5,000 are not liable, and there is allowed a $20,000 exemption for husband and wife and $5,000 for ancestors, brothers, sisters and descendants. Intangible personalty of non-residents is not taxed at all. N.Y. c. 709 provides for an equitable apportionment of the Federal and State tax among the various beneficiaries. Heretofore, the N.Y. courts have held that the Federal tax must be paid out of the general estate without any right of apportionment.

Dairy Products.—Va. c. 157 regulates the production, sale, etc., of dairy products. State supervision of the sanitary quality of milk is authorized by N.Y. c. 763, and the licensing and inspection of plants pasteurizing milk is required by R.I. c. 1594.

Death Registration.—By R.I. c. 1603, death certificates are to show military records.

Intoxicating Liquor.—Miss. c. 39 makes it unlawful to possess or transport liquid ginger or certain fruit products.

Narcotic Drugs.—R.I. c. 1567 requires physicians to report the treatment of patients with narcotic drugs for a period longer than three months. Miss. c. 13 forbids the sale of cigarettes, etc., in which there is cannabis indica.

Cinematographs. — Va. c. 49 extends its censorship laws to sound pictures.

Hours of Work.—N.Y. c. 604 requires operators of elevators used by the public, and not equipped with seats, to be given recess periods of 15 minutes every 3 hours in addition to a lunch period. Under c. 748 one day of rest a week must be given moving-picture operators, and c. 804 applies the 8-hour law to all work of grade crossing elimination in which public funds are involved. A 9 p.m. closing hour on Saturdays is prescribed for all commercial and industrial establishments except canneries and refrigerating plants by P.R. No. 54. La. No. 71 reduces the maximum hours of labour of girls 16 years of age and over from 10 hours per day and 60 hours per week to 9 hours per day and 54 hours per week. Certain exceptions are made in reference to store, restaurant, telegraph and cannery employees. Miss. c. 46 prohibits employment of children under 14 years of age.

Unemployment Relief.—Mass. c. 111 grants preference to persons with dependents in certification for municipal classified labour service during period of depression. N.J. c. 272 authorizes municipalities to engage in

public works for a six-months' period in order to relieve unemployment. N.Y. c. 425 provides for a study of employment problems in co-operation with the United States. P.R. p. 678 appropriates funds (1930–1940) for the purpose of providing lands to be divided into farms for lease to labourers. Provision is made for acquiring title.

Workmen's Compensation.—Under N.Y. 316, wage-earning capacity shall be identical with earnings received after the accident or any amount not in excess of three-fourths of earning capacity before accident. Mass. c. 205 covers employees operating any vehicle within or outside the State, and provides by c. 293, that upon the remarriage of a widow, each child, if there are more than five, shall receive a proportionate share of $18 (formerly $16) weekly. In cases where a child is by a former wife, the benefits shall be divided equally. Va. c. 158 provides that an employer shall be reimbursed for medical care, etc., which he has paid, out of any judgment collected by an employee from a third party.

Divorce.—La. No. 24 prohibits appeal from a final judgment after thirty days from its date. Divorce may be obtained one year after final judgment of separation by the party securing the judgment, and two years after judgment by the offending party, if there has been no reconciliation in the meantime. Ky. c. 190 removes the restriction on granting more than one divorce to any person.

Husband and Wife.—N.Y. c. 367 provides for notice to an absconding husband of seizure of his property to provide for a deserted wife. In cases of separation N.J. c. 184 provides for payment to the wife of her interests in real estate sold under court order, free from any claim of the husband. P.R. No. 42 p. 322 allows married women to engage in commerce without other formalities than those required of men.

Illegitimacy.—N.J. c. 130 considers an illegitimate child the brother or sister of every other child of his or her mother, legitimate or illegitimate. C. 150 provides that the mother of an illegitimate child, her heirs and next of kin, the maternal grandfather and grandmother, and the child, his heirs and next of kin, shall have capacity to take or inherit real property from each other.

Marriage.—Miss. c. 237 requires an affidavit as to age of parties by the parents, guardian, next of kin or the parties themselves. To persons authorized to solemnize marriage N.Y. c. 423 adds justices of the court of special sessions of New York City.

Adoption.—Ky. c. 188 authorizes the change in surname of an adopted child to that of the adopting parent. Under N.J. c. 89 upon the death of an adopting parent the adopted child shall have the right during his lifetime to dispose of property coming to him in the same manner as though it had been acquired by purchase. The next of kin of the adopting parent shall take only upon the death of the child without issue and without having disposed of the property.

Mothers' Pensions.—La. No. 46, a comprehensive mothers' aid law, allows aid to be granted to expectant mothers and to female relations when the mother is dead. N.Y. c. 41 permits aid to a relative within the second degree when the mother is permanently incapacitated, and by c. 799 allows aid to be granted in New York City after two (formerly five) years' desertion by the husband; by the same law a mother is no longer required to have declared her intention to become a citizen if she has resided in the U.S.A. for five years and has a child born in the United States.

Old Age Pensions.—The age at which relief may be granted is fixed at 70 years by Mass. c. 402 and N.Y. c. 387. The residence requirement is twenty years in Mass., and ten years in N.Y. Mass. provides that the allowance shall be sufficient to furnish suitable and dignified care, and N.Y. provides that allowance shall be determined by a board and may include medical and surgical care. Both laws require that pensioners be citizens of the United States.

Juvenile Offenders.—N.Y. 393 is a general revision of the juvenile court laws. It provides that jurisdiction obtained by the juvenile court shall continue until a delinquent becomes 21 years of age unless he is discharged prior thereto, and extends jurisdiction to cover children under 16 years of age. N.Y. c. 8 requires probation officers to supply case histories and, if possible, to have physical, mental and psychiatric examinations made. C. 283 requires the director of probation to collect statistical information and make recommendations for administration of probation.

N.J. c. 160 restores right to hold office to a person under 20 years of age convicted of a single crime. P.R. No. 61 provides for agricultural instruction at reform schools for juvenile delinquents and fixes the age of release at 19 (formerly 21).

Prisons.—Va. c. 104 provides that persons convicted of a misdemeanour who fail to pay fine or costs may be sent to a city or county farm instead of being held in jail or put in the State convict road force. N.Y. c. 492 punishes as a misdemeanour the delivery or attempted delivery of contraband articles to prisoners. Tex. 4th Ex. c. 31 provides for schools in all penitentiaries, compulsory instruction of illiterates, credit to be given on sentence for hours of attendance in such schools and requires at least one hour of each school week to be devoted to portions of the Constitutions of the United States and of the State. Va. 72 creates an industrial farm for women and provides for removal of female prisoners from penitentiaries, county, town and city jails. R.I. c. 1591 requires all women hereafter sentenced to imprisonment by any court to be committed to the State reformatory for women.

Criminal Law.—N.J. c. 65 creates a bureau of identification, with power to take finger-prints, photographs, descriptions, etc., and to co-operate with the National Bureau in Washington, D.C. Under Va. c. 32 attempts to commit crimes punishable by death shall be punished by not less than 1 year (formerly 2 years) or more than 10 (formerly 5) years; and raises from 18 years to life the maximum imprisonment for attempt to rape. S.C. No. 736 prohibits smoke-screen devices on motor vehicles. Mass. c. 382 reduces the maximum penalty for arson from life to 20 years. Ky. c. 191 provides that a person inflicting a wound upon another from ambush shall be guilty of a felony and shall be punished by imprisonment for not less than 1 year nor more than 10 years. Under Ky. c. 18 in a prosecution for carnally knowing a female between 16 and 18 years of age, it shall be permissible to introduce evidence of previous immorality or evidence of general reputation for immorality, and if either is proved, defendant shall be guilty of a misdemeanour only, and fined not more than $500. Ky. c. 178 forbids the use of the national flag in advertising. S.C. c. 691 provides that if the amount obtained upon a forged instrument is less than $20, the punishment shall be within the discretion of the judge. The sale or gift of toy firearms is prohibited by Va. c. 295 (formerly prohibition was applicable to children under 12 only).

Aliens and Coloured Persons.—As a condition precedent to securing a licence, citizenship is required by Ky. c. 168 in the case of architects, and by P.R. No. 78 in the case of optometrists. Va. c. 85 redefines "negro" as any person in whom there is ascertainable any negro blood, but modifies the definition in the case of persons of negro and Indian blood who live on reservations.

Agriculture.—Va. c. 341 § 2(b) requires State grades in farm produce to conform to United States standards. Porto Rico passed three laws authorizing aid to agriculture: No. 4 establishes demonstration farms to promote agricultural education, No. 31 provides for the organization of farm bureaux whose purpose shall be the training of small landholders, and No. 34 establishes a demonstration farm to give instruction in the cultivation of coffee, fruit trees, etc. It also authorizes, by No. 33, the establishment of a fruit experimental sub-station to investigate problems of the fruit industry. Va. c. 342 provides for a survey of the soils of the State to determine their adaptability to various crops, forestry and live stock enterprises.

Cattle.—Mass. c. 203 authorizes the certification of disease-free herds of cattle. Va. c. 81 § 920a makes it unlawful to sell or dispense any product containing spores of germs of anthrax remedy except on a prescription of a licensed veterinary surgeon. Mass. c. 123 provides that upon application of not less than 75 per cent. of the cattle owners in a certain area all cattle within that area may be tested, and c. 341 requires payment for cattle reacting to tuberculin test to be made within thirty days after filing of claim. N.Y. c. 311 provides that no right of action shall accrue to any person who has neglected to maintain his proportion of a fence for damages resulting from livestock running at large.

Cotton.—Va. c. 18 imposes a licence tax on wholesale buyers of ginned cotton. The fee is $100 plus 2 cents for each bale purchased in excess of $1,000. The tax is in lieu of the State property tax on capital and merchants' licence tax on purchases, and, by c. 468, provides for a tax on cotton dealers based on gross commissions and profits. La. No. 78 creates a board of plant breeders' examiners with authority to register and certify cotton seed of valuable strains and make rules and regulations governing the production of registered and certified cotton seed.

Fertilizers.—N.Y. c. 318 regulates the sale of soil and plant inoculants with a view to preventing fraud. Va. c. 350 provides that if the analysis of any fertilizer shall show a deficiency in either mineral or organic nitrogen percentage, the value of the deficiency shall be assessed against the manufacturer.

Animals.—N.Y. c. 497 exempts from registration fees motor vehicles which are specially constructed to carry lost or injured animals. Ky. c. 1 rewrites and revises its dog law. Under it any person may kill a dog he sees in the act of pursuing poultry or any dog that is afflicted with hydrophobia. R.I. c. 1597 provides for quarantine for the suppression of rabies in such areas as the authorities may deem necessary.

Game.—Mass. c. 393 permits hunting of deer by bow and arrow. S.C. No. 836 prohibits the use of headlights in night hunting.

Water Power.—N.Y. c. 207 provides for the appointment of a commission on the development of power on the St. Lawrence, and declares that State control is inalienable.

Banking.—The uniform Fiduciaries Act, regulating liability of banks in accounts with fiduciaries, was adopted in part by Ky. c. 14 and R.I.

c. 1561. N.Y. c. 665 provides that notice of adverse claim to deposits shall not be effectual without a restraining order or other court process unless an acceptable bond is given to protect the bank. The law is not, however, applicable if adverse claimant is a ward. S.C. No. 608 provides that a bank shall not loan on or buy its own stock except to save itself from a loss. Neb. p. 34–35 is a resolution granting depositors of failed banks authority and permission to sue the State of Nebraska because of losses sustained by such depositors as a result of the running of insolvent banks by the Guarantee Fund Commission.

Pawnbrokers.—N.J. c. 142 revises the law on pawnbrokers. Supervision is transferred to the banking department, a charge of not exceeding 3 per cent. per annum for insurance is allowed, and the sale of certificates, in denominations of $10, $20, $50, $100 and $500, bearing interest at 6 per cent. per annum, not to exceed in the aggregate 50 per cent. of the net loans at time of issue, and maturing within a year from issue, is authorized.

Negotiable Instruments.—Ky. c. 179 fixes a minimum jail sentence of 1 day and increases the maximum from 30 to 90 days in cases of issuance of bad cheques for $20 or less, and reduces the maximum imprisonment from 5 to 2 years in cases of cheques for $20 or over. It strikes out the provision which provided for the dismissal of actions if cheque was made good within 10 days of notice. Va. c. 80 makes the issuance of a bad cheque larceny. N.J. c. 121 strikes out a provision which defeated presumption of knowledge of insufficiency of funds by the payment of cheque and costs within 5 days of notice.

Motor Vehicles.—Owners or operators of cars are made exempt from liability to guest passengers by Ky. c. 85 and S.C. No. 659. Legislation requiring persons who have been convicted of certain offences or involved in certain accidents to furnish proof of financial responsibility was enacted in N.J. c. 267 and N.Y. c. 398.

The maximum width of all or certain vehicles is fixed at 96 inches by Ky. c. 75, and 90 inches by S.C. No. 685. The latter Act fixes the allowed length of vehicles at 33 feet. Pedestrians are required to walk on the left side of highways by N.J. c. 230 and R.I. c. 1582. Mass. c. 139 fixes $50 as a maximum fine for stopping vehicles, soliciting alms, etc.

Trades Licensing.—Under Va. c. 467 places selling soft drinks from a soda fountain are deemed restaurants and must pay the same licence tax. Manufacturers must pay an annual tax of $25. Va. c. 131 places an annual licence tax of $500 on fortune tellers, clairvoyants, palmists and phrenologists. The licensing of fur dealers is provided for by S.C. No. 808 [1] and Tex. 5 [1] Ex. c. 45. Va. c. 401 imposes a licence fee of $125 upon pedlars of patent medicines, salves, etc., who travel on foot. S.C. No. 816 levies a licence tax on slot machines, Va. c. 401 reduces such a tax.

Lumber.—Miss. c. 243 provides that any saw logs, etc., which have become derelict in any waters of the State shall become the property of the owner of the bed of the stream with a right in original owners to bring replevin. Property left for three years without effort to salve shall be *prima facie* evidence of intention to abandon.

Legal Practitioners.—N.Y. c. 397 makes it a misdemeanour punishable by imprisonment not exceeding one month, or a fine of $100 to $250 or both, for any person except a regularly admitted attorney to ask or receive any compensation for preparing deeds, mortgages, wills, etc.

[1] Held unconstitutional, *Martin et al.* v. *Richards*, 158 S E 731.

Unauthorized practice is punished as a misdemeanour (formerly as contempt) under P.R. No. 56.

Administration of Justice.—Va. c. 166 provides for the establishment of a court in each county having a population of more than 500 to the square mile. Such courts shall have exclusive original jurisdiction of all misdemeanours, violations of county ordinances, civil actions where amount does not exceed $300, and in the preliminary examination of felony cases and concurrent jurisdiction of civil cases between $300 and $1,000. Such courts shall also be the juvenile and domestic relations courts of the counties. An appeal lies from county courts to the circuit courts. Wherever such courts are established, all jurisdiction heretofore conferred upon justices of the peace, trial justices, juvenile, and domestic relation justices shall be transferred to and vested in the county court. N.J. c. 201 extends the jurisdiction of recorders and police justices to include assault, simple assault and battery, malicious mischief, larceny, embezzlement, false pretence, or receiving stolen goods where property is valued under $50, and of cases in which the fine is less than $100 or imprisonment is less than six months. Miss. c. 71 allows the destruction of records of the Supreme Court, five years after final disposition of cases. N.Y. c. 602 allows sessions on Sundays for the purpose of receiving a plea of guilty and the pronouncement of sentence thereon. R.I. c. 1596 provides for a special and speedy adjudication of claims of less than $50. Service to be by mail, costs to be $1.25. The plaintiff must waive right of appeal and not more than fifteen such actions may be maintained by anyone.

Juries.—N.J. c. 259 adds to those exempt from jury service any person having actual and physical care and custody of a minor child. R.I. c. 1601 adds pharmacists and assistant pharmacists while actually employed in a store where less than three are employed, chiefs and executives of any volunteer fire department, osteopaths, chiropractors, optometrists, chiropodists and directors of State institutions. Va. c. 241 adds optometrists and undertakers' assistants, and by c. 236 strikes out the provision which prohibited the compulsion of male citizens over 60 years of age to serve as jurors.

Decedent's Estates.—Va. c. 141 provides that if a wife wilfully deserts or abandons her husband and such desertion or abandonment continues until his death, she shall be barred from all interest in his estate. Ky. c. 30 provides that there need be no administration of small estates, and dispenses with administration in cases where there are no debts owing by the estate and all parties in interest agree.

2. FRANCE.

[*Contributed by* OLIVER E. BODINGTON, ESQ.]

Attachment of Workers' Salaries.—A law of August 4, 1930, alters the law on the subject of the attachment and assignability of workers' salaries, removing certain anomalies.

Bankers.—The law of June 19, 1930, is a first attempt to regulate the profession of banker but only in a negative sense. No one who has been convicted of a common law offence of theft, breach of trust, swindling or other offence of the kind may carry on the profession of banker, or the kindred profession of dealer in securities. Undischarged bankrupts are similarly disqualified.

If the conviction is that of a foreign court, the " correctional " court

of the applicant's domicile shall determine whether or no this disability shall apply to him.

Companies.—The law of May 1, 1930, enlarges the powers of the general meeting of shareholders. Briefly put, the powers of a majority of shareholders are untrammelled except that (1) they cannot override imperative legal prescriptions even when the shareholders are unanimous ; (2) nor can they override the requirement of unanimity when it is proposed to change the nature of the company or enlarge the obligations of the shareholders.

Every shareholder, whatever number of shares he may hold, may attend and vote at all shareholders' meetings having for their object to alter the constitution of the company ; and shall have one vote for every share he holds without limit, unless a limit is fixed in the Articles and is uniform for all shares ; any provision in the Articles to the contrary notwithstanding.

These provisions apply to companies already formed under the basic law of July 24, 1867.

Companies (Shares Voting Power).—A law of April 26, 1930, forbids the issue of shares having superior voting rights in general meetings over other shares, by reference to the amount of capital they represent.

Divorce.—Formerly divorced persons could not remarry if one or other of them had, in the interval, married and been divorced again. By the law of January 4, 1930, this restriction is now removed, as well as the restriction forbidding the parties under these circumstances to adopt a different matrimonial *régime* from the one originally adopted by them.

Insurance.—A law of July 23, 1930, completely recasts the law on the subject of terrestrial insurance. It is too long and also too technical for analysis here. It does not apply to marine insurance.

Landlord and Tenant (Foreign Tenants).—There have been no further developments as regards the rights of tenants of British nationality beyond those noticed in the review of August 1931.[1] Each case will be dealt with by the court on its merits ; but it seems probable that the courts—in meritorious cases, of course—may now be more inclined to adopt the official view than they were at that juncture.

Social Insurance.—This law (April 30, 1930) can only be noticed here as a further ponderous and almost certainly ineffectual attempt to render applicable prior legislation which by common consent is inapplicable, and to cover the retreat of its authors. For the rest it must be left to those who have the courage to specialize in this thorny subject.

Successoral Rights of Surviving Spouse.—Prior to the law of December 3, 1930, in the event that there were no relatives within the successoral degrees in one line, the estate passed over to the relatives in the other line. Under this new law the surviving husband or wife against whom there exists no final judgment of judicial separation is preferred to the relatives of the other line.

Similarly, where there are relatives within the successoral degrees in only one line, the surviving spouse, not judicially separated as aforesaid, takes the share which would otherwise go to the remoter relatives in the other line.

One spouse, under this law, may leave to the other, in case they have no children, not only the portion which he or she might leave to a stranger in blood, but also the reversion of the portion reserved in favour of ascendants under Art. 914 of the Civil Code.

[1] See *Journal of Comparative Legislation*, 3rd Series, vol. xiii, pt. iii, p. 174.

INDEX TO REVIEW OF LEGISLATION.

(* Denotes Consolidation Act.)

Abattoirs. *See* Meat Industry.
Accidents, fatal. *See* Fatal Accidents.
Aden, military government, (United Kingdom), 3
Administration. *See* Constitution, Public Service.
Administration of Estates. *See also* Succession, Trusts and Trustees.
(Fiji), 114
intestate estates (Sierra Leone), 152
United States citizens (Hong Kong), 142
(United States of America), 185
unrepresented estates (Gibraltar), 171
Administration of Justice. *See* Criminal Law, Criminal Procedure, Judicature, Magistrates.
Adoption (Prince Edward Island), 57
Scotland (United Kingdom), 4
(United States of America), 181
Advertisements, regulation, (Mauritius), 145
Affiliation Orders (Irish Free State), 30
Agreements Confirmation. *See also* Natural Resources.
British North America (United Kingdom), 2
Irish Free State (United Kingdom), 2
Agricultural Debts, adjustment, (South Australia), 85
(Western Australia), 106
Agricultural Loans. *See also* Banks and Banking.
advances to farmers (Victoria), 98
credit societies (Barbados), 167
seed grain and fodder (Manitoba), 46
wheat advances (Commonwealth of Australia), 79
(Victoria), 90
Agriculture. *See also* Agricultural Debts, Agricultural Loans, Auction Sales, Cotton, Eggs, Fertilizers, Fruit, Land, Rice, Tithe, Warehouses.
aids (United States of America), 183
(Bermuda*), 72
education (United States of America), 183
grain (Canada), 33, 36
growing crops securities (Prince Edward Island), 57
packing and marking (Union of South Africa), 117
patents (United States of America), 179
plant diseases (Tasmania), 88
plant protection (India), 136
potato diseases (Tasmania), 88
prickly pear (New South Wales), 81
(Queensland), 83
root vegetables (Canada), 33
seeds (Tasmania), 88
soil surveys (United States of America), 183
state grades (United States of America), 183
Air Navigation (Gibraltar), 171
(North Borneo), 147
transport subsidies (United Kingdom), 12
Aliens. *See also* Immigration.
restriction (United States of America), 183
Anatomy, regulation, (Western Australia), 102
Animals. *See also* Dogs, Export, Game, Horsebreeding, Livestock, Pounds.
cruelty prevention (Burma), 139
(Straits Settlements), 143
Antiquities. *See* National Monuments.
Anzac Day. *See* Public Holidays.

Apiaries,
bee diseases (Western Australia), 102
Appeals. *See* Criminal Procedure, Judicature, Taxation.
Arbitration. *See also* Industrial Arbitration.
foreign awards (Grenada), 168
(Kenya), 155
(United Kingdom), 3
(Uganda), 162
Archæology. *See* National Monuments.
Arms and Ammunition,
(British Solomon Islands), 114
firearms (Bermuda), 71
(Cyprus*), 172
shot guns (New Zealand), 111
Army and Air Force. *See* Military Forces.
Arrowroot. *See* Marketing.
Arson. *See* Criminal Law.
Art,
gallery (New Zealand), 111
union regulation (Queensland), 83
Assessment. *See* Taxation.
Athletic Sports,
commission (Saskatchewan), 66
Attachment of wages (France), 185
Auction Sales,
livestock and produce (Union of South Africa), 116
Auctioneers. *See* Auction Sales.
Audit (Prince Edward Island*), 57
public accounts (Bermuda*), 71
Aviation. *See* Air Navigation.

Bankruptcy. *See also* Deeds of Arrangement.
(Commonwealth of Australia), 74
(Cyprus), 172
(Kenya), 155
(Nyasaland), 156
(Tanganyika), 158
(Uganda), 162
Banks and Banking. *See also* Currency, Taxation.
agricultural bank (Union of South Africa), 120
(Western Australia), 101
bankers' regulation (France), 185
(Bermuda), 72
failure (United States of America), 179
trust powers (United States of America), 178
(Union of South Africa), 120
(United States of America), 178, 183
Baptist Union, incorporation, (Victoria), 89
Bastardy. *See also* Affiliation Orders, Births Registration, Children, illegitimate, Legitimation.
(Fiji*), 114
Beer. *See* Excise.
Bees. *See* Apiaries.
Betting. *See also* Gaming, Stamps.
taxation (New South Wales), 82
(United Kingdom), 16
(Victoria), 94
totalizators (Bahamas), 166
(Victoria), 89
(Transvaal), 128
Beverages. *See* Licensing.
Bills of Exchange (Palestine), 175
Bills of Sale (Nova Scotia), 53
Births, registration (Bahamas), 166
illegitimate children (New Zealand), 110
notification (Victoria), 93
Board of Trade (Bermuda), 71
Bounties,
cotton industries (Commonwealth of Australia), 74
flax and linseed (Commonwealth of Australia), 74
gold (Commonwealth of Australia), 75
wine export (Commonwealth of Australia), 74
Boy Scouts (North Borneo), 147
Brokers. *See* Licensing.
Buildings,
London (United Kingdom*), 19
Bulls. *See* Livestock.
Business Agents (Victoria), 94
Business Names, registration, (Tanganyika), 157

Cables (Canada), 35
Canals, abandonment, (Northern Ireland), 27
Cancer Research (Manitoba), 48
(Saskatchewan), 64
Carriage of Goods by Sea, (Queensland), 84
Carriers, liability, (United States of America), 179
Casual Revenue. *See* Escheat.
Cattle. *See* Auction Sales, Livestock, Pounds.
Censorship. *See* Cinematograph.
Census (Ashanti), 150
(Cyprus), 174
(Gambia), 148
(Gold Coast), 150

Census—*continued*
(Mauritius), 145
(New Zealand), 111
(Northern Territories), 150
(Togoland), 150
Chartered Associations (Jersey), 21
Chattel Mortgages (Nova Scotia), 53
Cheques. *See* Negotiable Instruments.
Chiefs, appointment and deposition, (Nigeria), 151
Children. *See also* Adoption, Affiliation Orders, Bastardy, Criminal Law, Education, Industrial Employment, Legitimation, Orphans.
employment (Uganda), 162
(United States of America), 180
employment abroad (United Kingdom), 4
illegitimate, Scotland (United Kingdom), 5
illegitimate (United States of America), 181
tuberculosis (Quebec), 59
Church Assembly,
archdeaconry of Surrey (United Kingdom), 20
benefices (United Kingdom), 19
clergy pensions (United Kingdom), 20
Isle of Man diocese (United Kingdom), 20
marriage (United Kingdom), 19
parsonages (United Kingdom), 19
pluralities (United Kingdom), 19
Cinematograph. *See also* Taxation.
censorship (Irish Free State), 32
(Quebec), 59
(United States of America), 180
regulation (Kenya), 153
(Orange Free State), 126
(Tanganyika), 157
Citizenship. *See* Nationality.
Civil Procedure. *See* Judicature.
Clubs Registration (Cyprus), 172
(Grenada), 168
Coal. *See also* Mines and Minerals.
fuel research (Union of South Africa), 121
Coinage. *See also* Currency.
fund (Union of South Africa), 120
manufacture (Union of South Africa), 120
Commission Merchants,
registration (Bahamas), 166
Companies. *See also* Co-operative Societies, Income-tax, Securities.
Companies—*continued*
(Canada), 37
duties (Gibraltar), 171
(Gibraltar), 171
information (Ontario), 56
(Quebec), 60
life insurance (British Guiana), 164
mortgages (Bermuda), 73
(Northern Ireland), 27
shareholders' powers (France), 186
shares voting power (France), 186
Compensation. *See* Agreements confirmation, Fatal Accidents.
Conciliation. *See* Industrial Arbitration.
Conditional Sales. *See* Sale of Goods.
Constitution. *See also* Elections, Indemnity.
legislative assembly (Ontario), 54
legislative council (Quebec), 58
(Saskatchewan), 62
money bills (Irish Free State), 28
salaries reduction (Commonwealth of Australia), 77
(New South Wales), 81
(South Australia), 85
(Victoria), 100
(Western Australia), 101
seat of government (Commonwealth of Australia), 77
Contempt of Court. *See* Criminal Law.
Contracts (Cyprus), 173
Contributory Negligence (Ontario), 55
Conveyancing (New South Wales), 79
Coloured Persons,
(United States of America), 183
settlements (Union of South Africa), 116
Co-operative Societies,
(Union of South Africa), 115
(Western Australia), 102
Copyright,
(Federated Malay States), 143
Coroners. *See also* Inquests.
(Bombay), 137
deputies (Quebec), 59
(Queensland*), 83
Corporal Punishment,
(Tanganyika), 161
Cotton. *See also* Bounties.
licences (United States of America), 183
seed (United States of America), 183
taxation (United States of America), 183
Courts. *See* Judicature.

Criminal Law. *See also* Public Safety.
arson (United States of America), 182
attempt (United States of America), 182
(Bengal), 138
contempt of court (Palestine), 175
drunk and disorderly behaviour (Papua), 107
flag desecration (United States of America), 182
forgery (United States of America), 182
immoral traffic (Bombay), 137
(Madras), 137
infanticide (British Guiana), 165
intimidation and molestation (India), 141
minor offences (Federated Malay States), 144
native laws (Gilbert and Ellice Islands), 114
native offenders (Papua), 107
(Northern Ireland), 25
offences against children (United States of America), 182
penal code (Kenya), 155
(Northern Rhodesia), 129
(Tanganyika), 160
(Uganda), 162
preservation of order (British Solomon Islands*), 115
(Punjab), 139
rape (United States of America), 182
smoke screens (United States of America), 182
toy firearms (United States of America), 182
wounding (United States of America), 182
Criminal Procedure. *See also* Corporal Punishment, Evidence, Foreign Prisoners, Penalties.
appeal court, Northern Ireland (United Kingdom), 17
appeals (Gambia), 148
(Bahamas), 166
code (Kenya), 155
(Tanganyika), 160
(Uganda), 162
identification (United States of America), 182
medical witnesses (Fiji), 113
penal labour (Palestine), 175
poor prisoners' defence (United Kingdom), 18
Criminal Procedure—*continued*
presumption of coercion (Hong Kong), 142
probation (United States of America), 182
registration of criminals (Federated Malay States), 143
(North Borneo), 147
summary conviction (British Guiana), 165
(Nova Scotia), 53
summary jurisdiction (Bermuda*), 72
(Gold Coast), 150
youthful offenders (Burma), 139
(Canada), 34
(United States of America), 182
Currency, standard
(Bermuda), 73
Customs. *See also* Excise, Exports, Imports.
agreements (Northern Rhodesia), 128
(Southern Rhodesia), 130
(Union of South Africa), 118
anti-dumping (Canada), 39
containers (Gibraltar), 171
duties (Canada), 39
(Commonwealth of Australia), 73
(Irish Free State), 29
(Newfoundland), 71
(New Zealand), 109
hovering (Newfoundland), 71
Isle of Man (United Kingdom), 16
mechanically propelled vehicles (Irish Free State), 29
preference (Bermuda), 72
primage duty (Commonwealth of Australia), 73
(New Zealand), 109
quilts (Irish Free State), 29
sugar (St. Lucia), 169
tariff (India), 136
(Kenya), 154
(Northern Rhodesia), 129
(Uganda*), 162
(Union of South Africa*), 120
territorial waters (Newfoundland), 71
wine (Irish Free State), 29

Dairies,
industry (Union of South Africa), 120
(New South Wales), 80
products regulation (United States of America), 180
(Tasmania), 88

Dangerous Drugs. *See also* Pharmacy.
(Canada), 34
Geneva Convention (India), 135
(Kenya), 153
(Tonga), 115
(Jamaica), 167
narcotics (United States of America), 177, 180
opium sale (India), 140
treatment by physician (United States of America), 180
(Victoria), 97
Death Duties. *See* Taxation.
Death Registration,
(Bahamas), 166
military records (United States of America), 180
Debts. *See* Agricultural Debts.
Decedent's Estates. *See* Administration of Estates.
Deeds of Arrangement (Kenya), 155
(Tanganyika), 160
(Uganda), 162
Deer. *See* Game.
Designs. *See* Patents and Designs.
Destitute Persons,
detention (Zanzibar), 163
Development. *See also* Loans.
colonial (United Kingdom), 8
(Commonwealth of Australia), 75
Disabled Soldiers,
vocational training (New Zealand), 113
Disarmament. *See* London Naval Treaty.
Distress. *See also* Landlord and Tenant.
exemptions (British Columbia), 44
Divorce (Canada), 37
domicile (New Zealand), 112
grounds for (New Zealand), 112
remarriage of parties (France), 186
(United States of America), 181
Documents Registration,
photographic copies (Bombay), 137
Dogs,
injuries by (Tonga), 115
rabies (Sudan), 163
(United States of America), 183
tax (Orange Free State), 124
(United States of America), 183
Domestic Servants (North Borneo), 147
Dower (Bahamas), 166
Drainage,
land, Scotland (United Kingdom), 12
land (United Kingdom*), 1, 11
Drainage—*continued*
sewerage (Palestine), 175
Dried Fruits. *See* Export.

Ecclesiastical Commissioners. *See* Church Assembly.
Education. *See also* Agriculture, Legal Education, Pensions, Universities.
compulsory (Southern Rhodesia), 130
inspection (Southern Rhodesia), 130
Jewish schools (Quebec), 58
legal proceedings (Orange Free State), 124
(Transvaal), 127
non-native tax (Tanganyika), 158
(Northern Ireland), 24
(Nyasaland), 156
(Orange Free State*), 125
public schools (Manitoba*), 46
religious emblems in schools (Saskatchewan), 64
rural primary (Bengal), 158
scholarship (St. Lucia), 168
school committees (Transvaal), 127
school meals (Irish Free State), 29
school trustees (Saskatchewan), 64
schools (Gold Coast), 148
Scotland (United Kingdom), 4
teachers' retirement (Orange Free State), 124
vocational (Irish Free State), 29
Eggs, preserving
(Irish Free State), 32
Elections,
by-elections (Irish Free State), 29
personation (Northern Ireland*), 25
(Tasmania), 88
women's franchise (Union of South Africa), 119
Electricity. *See also* Water.
development (Northern Ireland), 22
local government powers (Natal), 124
public lighting (Newfoundland), 67
supply (Barbados), 167
(Fiji), 114
(Grenada), 168
Emblems, floral (Alberta), 43
Entertainments. *See also* Cinematograph, Taxation.
circuses and similar shows (St. Lucia), 168

Escheats,
intestate estates (Barbados), 167
(Bermuda), 71
(Gibraltar), 171
(Jamaica), 167
(St. Lucia), 169
(St. Vincent), 169
Estate Duty. *See* Taxation.
Evidence. *See also* Criminal Procedure.
British and Colonial Statutes (Gibraltar), 171
(British Columbia), 44
Excise. *See also* Betting.
alcohol (Canada), 38
beer (New Zealand), 109
(United Kingdom), 16
(Irish Free State), 29
malt (Canada), 34, 38
scrap tobacco (Northern Rhodesia), 129
silver (India), 136
tobacco (Canada), 38
(New Zealand), 109
(Union of South Africa), 120
violations (Canada), 38
Exhumation (Newfoundland), 68
Exports. *See also* Bounties, Forests, Rice, Tobacco, Meat.
animals (Cyprus), 172
arrowroot (St. Vincent), 169
canned fruit (Commonwealth of Australia), 79
dried fruit (Commonwealth of Australia), 79
fruit (Grenada), 168
(St. Lucia), 168
intoxicating liquor (Canada), 38
mares and fillies (Cyprus), 172
marks of origin (Cyprus), 172
wine (Commonwealth of Australia), 79
Ex-soldiers. *See* Disabled Soldiers, Repatriation.

Factories and Shops. *See also* Hours of Work, Wages.
employment of children (Uganda), 162
maternity benefit (Central Provinces), 139
Family Endowment,
(New South Wales), 80
Fatal Accidents,
compensation to relatives (Papua), 107
Fencing (Kenya), 154
loans (Union of South Africa), 120
Fertilizers (United States of America), 183
Fire. *See also* Insurance, Oilfields.
bush (New South Wales), 79
precautions (Hong Kong), 142
prevention (Saskatchewan), 67
suppression of forest (Manitoba), 51
Firearms. *See* Arms and Ammunition.
Fisheries. *See also* Salmon.
cameroons and shrimps (Mauritius), 146
(Canada), 34
department (Canada), 38
expenses regulation (United Kingdom), 17
lobsters (Canada), 34
(Manitoba), 52
(Mauritius), 146
oysters (Canada), 34
Fish Inspection (Canada), 34
Flags. *See* Criminal Law.
Flax and Linseed. *See* Bounties.
Food and Drugs. *See also* Dairies, Dangerous Drugs, Pharmacy.
adulteration (Kenya), 154
Food and Fuel Control (Gambia), 148
Foreign Prisoners, detention,
(Kenya), 156
Forests. *See also* Fire, Tree Planting.
bureau (Commonwealth of Australia), 75
export of trees (Union of South Africa), 120
(Manitoba), 50
Forgery. *See* Criminal Law.
Fortune Telling. *See* Licensing.
Fraudulent Transfer of Businesses, (Kenya), 156
Friendly Societies,
funds (Bermuda), 73
(Western Australia), 104
Fruit. *See also* Exports.
experimental stations (United States of America), 183
Fur Dealers. *See* Licensing.
Fur Farming (Manitoba), 51

Game. *See also* Licensing.
animals in captivity (Quebec), 58
deer (United States of America), 183
(Manitoba), 51
night hunting (Orange Free State), 125
(United States of America), 183
preservation (Irish Free State), 31

Gaming. *See also* Betting, Lotteries.
(North Borneo), 146
Girl Guides (New Zealand), 110
Gold. *See* Bounties.
Goldsmiths. *See* Licensing.
Grain. *See* Agriculture.

Hairdressers and Barbers,
Sunday closing (United Kingdom), 4
Harbours and Lights,
dues (Bahamas), 166
ports and inland waters (Sierra Leone), 153
Hawkers. *See* Itinerant Trading, Licensing.
Highways. *See also* Motor Vehicles, Public Finance, Rule of the Road, Wheel Tax.
boards (Orange Free State), 126
(British Columbia*), 44
by-roads (Natal), 124
construction (Transvaal), 127
disused roads (Seychelles), 147
main roads (Western Australia), 101
(Orange Free State), 126
road councils (Southern Rhodesia*), 132
traffic (United Kingdom), 14
(Transvaal), 127
width (Northern Ireland), 27
Hindu Law (India), 135
Horse Racing. *See also* Betting.
regulation (Queensland), 84
Horsebreeding (Cyprus), 172
Hospitals. *See also* Sweepstakes.
boards (Orange Free State), 125
fund (Western Australia), 104
payment for treatment (South Australia), 87
public hospitals (Transvaal), 127
Hotels. *See also* Licensing.
hotelkeepers' protection (Bermuda), 72
inspection (Quebec), 59
Hours of Work. *See also* Hairdressers and Barbers.
coal mines (United Kingdom), 10
eight-hour day (Canada), 38
shops (Orange Free State), 126
(United States of America), 180
weekly day of rest (Saskatchewan), 67
Housing,
labourers' cottages (Northern Ireland), 23
purchasers' relief (Queensland), 84
Scotland (United Kingdom), 6
Housing—*continued*
slum clearance (United Kingdom), 5
state relief (Queensland), 84
subsidy (Northern Ireland), 23
(United Kingdom), 5
trust (Western Australia), 103
(United Kingdom), 5
workers' homes (Queensland), 83
Husband and Wife. *See also* Divorce, Maintenance, Marriage, Married Women, Succession.
separation (United States of America), 181

Illegitimate Children. *See* Affiliation Orders, Bastardy, Births Registration, Children, Legitimation.
Immigration Restriction. *See also* Repatriation.
(Northern Rhodesia), 129
(Sierra Leone*), 152
(Union of South Africa), 118
Imports. *See also* Wheat.
cotton piece goods (India), 136
gin and geneva (Gold Coast), 149
silver (India), 136
spirits (Gold Coast), 149
trade spirits prohibition (Northern Rhodesia), 129
Income-tax. *See also* Public Service, Unemployment.
(Commonwealth of Australia), 78
companies (New Zealand), 110
(India), 136
(Irish Free State), 29
(Manitoba), 52
(New Zealand), 110
(Newfoundland), 71
(Transvaal), 128
(United Kingdom), 16
(United States of America), 180
(Victoria), 94
Indemnity,
under-secretaries (United Kingdom), 2
Indians. *See* Orphans, Repatriation.
Industrial Arbitration and Conciliation.
basic wage (Western Australia), 105
(Commonwealth of Australia), 75
eight hours (New South Wales), 80
statutory preference (Queensland), 83
(Union of South Africa), 120
Industrial Disputes,
(Commonwealth of Australia), 75

Industrial Employment. *See also* Factories and Shops.
women, young persons and children (Jersey), 21
Industrial Research
bureau of economics and statistics (Queensland), 82
(Saskatchewan), 66
Industry. *See* Bounties, Maple Sugar, Meat, Sugar.
Infant Life Preservation (British Guiana), 165
Infanticide. *See* Criminal Law.
Inquests. *See also* Coroners.
(New Zealand), 110
Insolvency. *See* Bankruptcy, Deeds of Arrangement.
Insurance. *See also* Companies, Motor Vehicles, Unemployment.
fire (Nova Scotia), 53
government furniture (Barbados), 167
government property (New South Wales), 80
national health (Northern Ireland), 23
social (France), 186
(Quebec), 58
terrestrial (France), 186
third parties' rights (Northern Ireland), 26
(United Kingdom), 16
International Conventions. *See* Arbitration, Dangerous Drugs, Industrial Employment, Motor Cars, Patents and Designs, Salmon, Trade Marks.
International Law. See International Conventions, Nationality.
Interpretation of Statutes. *See* Statutes.
Intestate Estates. *See* Administration of Estates, Escheats.
Investments. *See* Securities, Trusts and Trustees.
Itinerant Traders. *See also* Marketing.
hawkers and pedlars (Transvaal), 128

Judicature. *See also* Bankruptcy, Coroners, Criminal Procedure, Juries, Magistrates, Penalties.
adjudication of claims (United States of America), 185
administration of justice (Ontario), 54
Judicature—*continued*
appeals (Gambia), 148
civil procedure (Straits Settlements), 142
county courts (United States of America), 185
courts (St. Lucia), 168
(Tanganyika), 161
(United States of America), 178
destruction of records (United States of America), 185
judiciary (Southern Rhodesia), 130
jurisdiction (United States of America), 185
juvenile courts (United States of America), 182
Lahore conspiracy cases (India), 140
land disputes (Togoland), 150
legal regulations (Sudan), 164
local courts (Western Australia), 103
matrimonial causes (Tasmania), 88
native courts (Kenya), 155
(Nigeria), 151
process extension (Togoland), 150
Privy Council appeals (Ontario), 54
rules committee (Federated Malay States), 144
(New Zealand), 110
Sunday sessions (United States of America), 185
supreme court (Bermuda), 71
surrogate courts (Saskatchewan), 63
vexatious proceedings (Ontario), 55
(Western Australia), 101
Juries, exemptions,
(United States of America), 185
Justices of the Peace. *See* Magistrates.
Juvenile Courts. *See* Judicature.
Juvenile Offenders. *See* Criminal Procedure.

Labour. *See* Factories and Shops, Hours of Work, Industrial Arbitration, Industrial Disputes, Industrial Employment, Mining, Unemployment, Wages, Workmen's Compensation.
Land. *See also* Drainage, Land Acquisition, Land-tax, Natives, Property, Reclamation, Surveys.
apportionment (Southern Rhodesia), 131

Land—*continued*
coloured persons' settlements (Union of South Africa), 116
Crown (Newfoundland), 68
(New South Wales), 80
(North Borneo*), 147
provincial (Manitoba), 48
residence on native (British Solomon Islands), 114
settlement (New Zealand), 111
(Palestine), 175
(Queensland), 83
settlement fund (Union of South Africa), 120
shooting and fishing leases (Mauritius), 145
Land Acquisition,
(Malta), 174
(Manitoba), 51
(North Borneo), 147
public purposes (Sudan), 163
Land-tax,
(Commonwealth of Australia), 77
(New Zealand), 109
(Victoria), 94
Landlord and Tenant,
distress abolition (New South Wales), 81
foreign tenants (France), 186
overholding tenant (Nova Scotia), 53
rent (New Zealand), 109
(United Kingdom), 18
tenants' and mortgagors' relief (Western Australia), 105
Law Officers. *See* Legal Practitioners.
Legal Documents,
restriction on preparation (Sierra Leone), 151
(United States of America), 184
Legal Education (New Zealand), 111
Legal Practitioners. *See also* Legal Documents.
admission of women (Palestine), 175
fidelity guarantee fund (Queensland), 83
law officers (Jersey), 21
qualifications (New Zealand), 111
unauthorized practice (United States of America), 185
Legislation. *See also* Statutes.
delegated (United Kingdom), 1, 20
local (United Kingdom), 18
private (United Kingdom), 18
repeal of unnecessary (Hong Kong), 142
Legislation—*continued*
statutory rules and orders (United Kingdom), 1, 20
uniformity (Nova Scotia), 53
Legitimation (Barbados), 167
(Kenya), 155
(Papua), 107
(St. Vincent), 169
(Tonga), 115
Licensing. *See also* Arms and Ammunition, Cotton, Exhumation, Fur Farming, Itinerant Traders, Liquor Control, Maple Sugar, Motor Cars.
beverages (United States of America), 184
bookmakers (Victoria), 92
brokers (Kenya), 156
business agents (Victoria), 94
cinematograph (Kenya), 153
(Tanganyika), 157
collection agents (British Columbia), 45
duties (Northern Ireland), 28
fisheries (Canada), 34
fortune telling (United States of America), 184
fur dealers (United States of America), 184
game dealers (Irish Free State), 29, 32
goldsmiths (Kenya), 156
guides (Manitoba), 51
hawkers (Irish Free State), 29
hotels (Bermuda), 72
(Cyprus), 173
lodging houses (Bermuda), 72
moneychangers (Kenya), 156
moneylenders (Irish Free State), 29
(Southern Rhodesia), 132
pedlars (United States of America), 184
private detectives (British Columbia), 45
public carriages (Bermuda), 73
real estate agents (British Columbia), 45
(Victoria), 98
silversmiths (Kenya), 156
slot machines (United States of America), 184
stallions (Cyprus), 172
trades and businesses (Northern Rhodesia), 129
Liens. *See* Mechanics' Liens.
Liquor Control. *See also* Clubs, Excise, Export.
liquid ginger (United States of America), 180

Liquor Control—*continued*
prohibition (United States of America), 177
(Southern Rhodesia*), 130
spirit licences (Gold Coast), 149
traffic (Gold Coast), 149
Livestock. *See also* Auction Sales, Pounds.
compensation (Victoria), 92
diseases (Queensland), 82
(Union of South Africa), 117
(United States of America), 183
purchase of bulls (Alberta), 42
Loans. *See also* Agricultural Loans, Housing.
colonial (Bermuda), 72
development (United Kingdom), 8
general loan and inscribed stock (Cyprus), 173
public works (Barbados), 167
(Cyprus), 174
(United Kingdom), 17
Lobsters. *See* Fisheries.
Local Government. *See also* Electricity, Public Health, Water.
aerodromes (Transvaal), 127
audit (Assam), 140
ballot (Saskatchewan), 64
bi-provincial town (Saskatchewan), 66
borrowing powers (Natal), 123
councils (Gambia), 148
district boards (Madras*), 137
Dublin (Irish Free State), 29
franchise (Queensland), 83
municipal corporations (Cyprus*), 173
municipalities (Madras*), 137
nuisances (Newfoundland), 67
(Orange Free State), 125
pensions (Orange Free State), 125
rates (Orange Free State), 126
(Southern Rhodesia*), 132
superannuation (Transvaal), 127
townships (Kenya), 156
(Transvaal), 127
valuation (Orange Free State), 125
village boards (Orange Free State), 126
(Southern Rhodesia), 133
voters' lists (Orange Free State), 125
Lodging Houses. *See* Licensing.
London Naval Treaty (Commonwealth of Australia), 79
(United Kingdom), 3
Lotteries (New South Wales), 81
(North Borneo), 146
(Queensland), 83
(Tonga), 115
Lumber, derelict (United States of America), 184
Lunacy. *See* Mental Defectives.

Machinery Inspection (Queensland), 83
Magistrates. *See also* Criminal Procedure.
courts (Palestine), 175
forfeitures (Gibraltar), 170
jurisdiction (Bermuda*), 72
(Mauritius), 145
justices of the peace (Quebec), 59
(Newfoundland*), 68
stipendiary (Western Australia), 102
Maintenance,
deserted wives (United States of America), 181
orders (Bahamas), 165
(Cyprus), 172
(St. Lucia), 168
Malaria Prevention (Kenya), 153
Malay Custom (Federated Malay States), 144
Maple Sugar Industry (Canada), 38
Marketing. *See also* Agriculture, Co-operative Societies, Wine.
arrowroot (St. Vincent), 169
itinerant vendors (Gibraltar), 171
levies and polls (Queensland), 82
markets (Uganda), 162
Marriage. *See also* Church Assembly, Divorce.
age (United States of America), 181
licence (Quebec), 60
residents abroad (Jersey), 21
solemnization (British Columbia), 45
(Manitoba), 47
(United States of America), 181
Married Women,
conveyancing (Bermuda), 72
property (St. Lucia), 168
(United States of America), 181
Martial Law (India), 140, 141
Maternity Benefit. *See* Factories and Shops.
Matrimonial Causes. *See* Divorce, Judicature.
Meat,
abattoirs (Queensland), 84
export (Irish Free State), 32
industry encouragement (Tasmania), 88
regulation (Northern Ireland), 21
Mechanics' Liens (Alberta), 39

Medical Practitioners. *See also* Dangerous Drugs, Midwives, Nurses, Pharmacy.
medical services, Scotland (United Kingdom), 4
missionaries (Gold Coast), 148
native (Gilbert and Ellice Islands), 114
(Northern Rhodesia*), 129
Mental Defectives,
training schools (Saskatchewan), 65
treatment (United Kingdom), 6
Merchant Shipping. *See also* Harbours and Lights.
(Bermuda*), 72
freight rates (India), 136
(Kenya), 156
motor boats (Queensland), 84
pilgrim ships (Federated Malay States), 144
pilots (Hong Kong), 142
safety provisions (Queensland), 84
seamen (Barbados), 167
shipowners' liability (Federated Malay States), 144
unseaworthy ships (Sierra Leone), 153
Mica, control,
(Bihar and Orissa), 139
Midwives (Gibraltar), 171
(Nigeria), 151
Migration,
(Commonwealth of Australia), 75
Military and Naval Forces. *See also* Aden, London Naval Treaty, Martial Law, Wills.
army and air force (United Kingdom), 3
offences (United Kingdom), 3
Mines and Minerals. *See also* Hours of Work, Oilfields, Petroleum.
coal (Alberta), 43
(Canada), 36
(Queensland), 85
(United Kingdom), 10
(Manitoba), 49
mineral lands (Newfoundland), 68
operation (Ontario), 54
prospecting (Queensland), 84
(Sierra Leone), 152
(Uganda*), 162
Mohammedan Law, determination of,
(Federated Malay States), 144
Moneychangers. *See* Licensing.
Moneylending. *See also* Licensing.
accounts (Punjab), 138
(Southern Rhodesia), 132
Moratorium (New South Wales), 81
Mortgages. *See also* Chattel Mortgages.
(Manitoba), 48
(Saskatchewan), 64
Mosquitoes, destruction. *See also* Malaria Prevention.
(Gold Coast), 149
Mothers' Pensions. *See* Pensions.
Motor Vehicles. *See also* Transport.
(British Columbia), 44
carrier transport (Union of South Africa), 121
char-a-bancs (United Kingdom), 14
conveyance of mails (Northern Ireland), 27
financial responsibility (Ontario), 56
(United States of America), 184
fines appropriation (Natal), 124
(Gibraltar), 171
insurance (Manitoba), 47
(Uganda), 162
international convention (Gibraltar), 172
liability (Saskatchewan), 67
(United States of America), 184
licences (Northern Ireland), 27
(Victoria), 95
lights on vehicles (Bombay), 137
(Manitoba*), 47
(Northern Ireland), 26
offences (United States of America), 184
omnibuses (Cyprus), 174
(United Kingdom), 14
(Prince Edward Island), 57
racing (Natal), 124
registration (Victoria), 95
(United States of America), 183
road transport (South Australia), 85
(Saskatchewan*), 66
(Sierra Leone), 152
(Tasmania), 89
taxation (Bihar and Orissa), 139
(Natal), 124
(Sudan), 163
third party risks (Northern Ireland), 27
(United Kingdom), 13
(Uganda*), 162
(United Kingdom), 12
(Victoria), 95
wheel tax (Orange Free State), 126
width and length (United States of America), 184
Moving Pictures. *See* Cinematograph.
Mui-tsai (North Borneo), 147

Municipal Affairs. *See* Local Government.
Museum,
British (United Kingdom), 18
(New Zealand), 111

Narcotics. *See* Dangerous Drugs.
National Monuments (Irish Free State), 32
Nationality,
citizenship (United States of America), 176
Natives. *See also* Chiefs, Criminal Law, Judicature, Land, Medical Practitioners, Trusts and Trustees.
land apportionment (Southern Rhodesia), 131
lands trust (Kenya), 154
taxation (Southern Rhodesia*), 132
Natural Resources. *See also* Agreements Confirmation.
administration and control (Canada), 36
(Manitoba), 48
(Saskatchewan), 63
(Newfoundland), 68
Negligence. *See* Contributory Negligence.
Negotiable Instruments. *See also* Bills of Exchange.
cheques (United States of America), 184
Newspapers and Books,
control (India), 140, 141
(Cyprus), 173
(Sudan), 163
surety (Hong Kong), 141
Nurses. *See also* Midwives.
training (New Zealand), 111

Oaths (Sierra Leone), 151
Oil. *See* Mines and Minerals, Oilfields, Petroleum.
Oilfields,
fire control (Trinidad and Tobago), 170
water control (Trinidad and Tobago), 170
Old Age Pensions. *See* Pensions.
Opium. *See* Dangerous Drugs.
Opticians, registration,
(New South Wales), 81
Orphans,
Indian (Fiji), 114
Oysters. *See* Fisheries.

Parks, provincial,
(Alberta), 43
Partnership (Palestine), 175
Patents and Designs. *See also* Agriculture.
(Bermuda*), 72
(India), 136
industrial property convention (Palestine), 175
registration of United Kingdom designs (Bermuda), 72
(Mauritius), 145
(St. Lucia), 168
(Zanzibar), 163
Paupers (North Borneo), 147
Pawnbrokers (Hong Kong), 142
(Tanganyika), 157
(United States of America), 184
Pedlars. *See* Itinerant Traders.
Penalties,
imprisonment in default of fine (Seychelles), 147
Pensions. *See also* Local Government, Railways.
civil (Commonwealth of Australia), 76
(Natal), 123
(New South Wales), 82
(North Borneo), 147
(Union of South Africa), 120
mothers (United States of America), 181
nurses (Tanganyika), 158
old age (Manitoba), 47
(United Kingdom), 6
(United States of America), 182
police (Mauritius), 146
teachers (Jamaica), 167
(Manitoba), 46
(Natal), 123
(Saskatchewan), 66
(Transvaal), 127
widows and orphans (United Kingdom), 6
(Zanzibar), 163
Pests. *See* Agriculture, Mosquitoes, Vermin Destruction.
Petroleum. *See also* Mines and Minerals, Oilfields.
charges (Barbados), 167
regulation (British Guiana), 164
storage (Sudan), 163
Pharmacy. *See also* Dangerous Drugs.
sale of poisons, (Bermuda), 71
(Victoria), 97
Pilgrim Ships. *See* Merchant Shipping.
Pilots. *See* Merchant Shipping.

Poisons. *See* Dangerous Drugs, Pharmacy.
Police. *See also* Pensions.
(Nigeria*), 150
(Prince Edward Island), 57
Poor Law (United Kingdom*), 1
Poor Relief (Bermuda*), 72
Ports. *See* Harbours and Lights.
Posts and Telegraphs. *See also* Cables.
employees (Canada), 35
(Palestine), 175
rates (Commonwealth of Australia), 76
(India), 136
stamping machines (Newfoundland), 70
Potatoes. *See* Agriculture.
Pounds (Orange Free State), 126
(Tanganyika), 161
(Tasmania*), 88
Precious Metals, marking (Canada), 35
Prescription (British Columbia), 45
Press. *See* Newspapers and Books.
Prickly Pear. *See* Agriculture.
Prisoners. *See* Foreign Prisoners, Prisons.
Prisons. *See also* Reformatories and Industrial Schools.
female prisoners (United States of America), 182
schools in (United States of America), 182
Probate. *See* Administration of Estates.
Probation of Offenders. *See* Criminal Procedure.
Produce. *See* Agriculture, Dairies, Marketing.
Property. *See also* Administration of Estates, Land, Married Women.
compensation for injury (Cyprus), 172
perpetual succession (Hong Kong), 142
Provident Funds. *See also* Public Service.
(India), 136
Public Authorities. *See* Standard Marks.
Public Baths (Transvaal), 127
Public Carriages. *See* Licensing.
Public Finance. *See also* Agricultural Loans, Banks and Banking, Bounties, Constitution, Currency, Customs, Escheats, Excise, Exports,
Public Finance—*continued*
Imports, Income-tax, Loans, Moratorium, Taxation, Unemployment Insurance, War Revenue.
appropriation (Natal), 123
(New Brunswick), 53
(United Kingdom), 16
consolidated fund (New Zealand), 109
(Victoria), 94
financial agreement (Commonwealth of Australia), 75
government drafts (Mauritius), 145
highways fund (New Zealand), 109
(India), 136
national debt (Commonwealth of Australia), 76
(Northern Ireland), 28
(South Australia), 85
state grants (Commonwealth of Australia), 75
Treasury bonds (Victoria), 96
Treasury overdraft (Victoria), 93
Treasury payments (Bermuda*), 72
(Union of South Africa), 120
(United Kingdom), 16
Public Health. *See also* Malaria Prevention, Mosquitoes destruction, Quarantine.
(Bermuda*), 72
health committees (Natal), 124
(Northern Rhodesia), 128
swine keeping (Barbados), 167
Public Holidays
Anzac Day (Queensland), 83
(Bahamas), 166
(Queensland), 83
Public Inquiries. *See* Coroners.
Public Officers. *See* Pensions, Public Service.
Public Safety (India), 140
(South Australia), 86
Public Service. *See also* Agreements Confirmation, Fisheries, Pensions.
appointments (Commonwealth of Australia), 76
change of titles (Nigeria), 150
commission (Saskatchewan), 63
Department of Marine (Canada), 39
employees' compensation (Commonwealth of Australia), 77
guarantee fund (St. Lucia), 169
provident fund (Sudan), 163
relief administration (New South Wales), 80
reorganization (Jersey), 21

Public Service—*continued*
salaries reduction (New South Wales), 81
(Papua), 107
(Queensland), 85
(South Australia), 85
(Tasmania), 88
(Victoria), 100
salaries tax (Commonwealth of Australia), 77
(Western Australia), 105
Public Trustee. *See* Trusts and Trustees.
Public Works. *See also* Loans.
(Bermuda*), 73
facilities (United Kingdom), 8
Pulpwood (Manitoba), 50
Punishment. *See* Corporal Punishment, Penalties.

Quarantine (British Solomon Islands), 114
(North Borneo*), 147
(Sudan), 163
Quarries (Newfoundland), 69

Rabies. *See* Dogs.
Radio. *See* Wireless Telegraphy.
Railways. *See also* Transport.
national (Canada), 33, 36
(New South Wales), 80
rating (United Kingdom), 17
superannuation (Queensland), 84
tariff (Canada), 35
tolls (Canada), 35
transport competition (South Australia), 85
Rape. *See* Criminal Law.
Rating. *See* Local Government, Railways, Water.
Real Estate Agents. *See also* Licensing.
registration (Ontario), 56
(Victoria), 98
Reclamation,
swamp lands (New South Wales), 81
Reformatories and Industrial Schools,
(Uganda), 162
Registration. *See also* Apiaries, Births, Business Names, Clubs, Commission Merchants, Deaths, Documents, Motor Vehicles, Opticians, Patents and Designs, Real Estate Agents, Trade Marks, Veterinary Surgeons.
duties (Mauritius), 145
Religion. *See* Church Assembly.
Religious and Charitable Trusts,
Lord Mayor's fund (Victoria), 89
Rent. *See* Landlord and Tenant.
Reparations (Canada), 35
Repatriation,
Australian soldiers (Commonwealth of Australia), 77
Indian immigrants (Fiji), 113
Research. *See also* Industrial Research.
scientific and industrial (Alberta), 43
Reservoirs,
safety provisions (United Kingdom), 18
Rice, export grading,
(British Guiana), 164
Riotous Assemblies (Union of South Africa), 119
Rivers (Cyprus), 172
Roads. *See* Highways.
Rule of the Road,
(United States of America), 184

Salaries. *See* Constitution, Public Service.
Sale of Goods,
conditional (Nova Scotia), 53
(India*), 135
(Kenya), 155
(Uganda), 162
Sales Tax. *See* Taxation.
Salmon,
fisheries convention (Canada), 37
Salt Duty (India), 136
Salvation Army,
property trusts (Victoria), 89
Sandalwood,
industry control (South Australia), 87
Schools. *See* Education.
Securities,
fraud prevention (Alberta), 42
(British Columbia), 45
(Manitoba), 46
(Ontario), 56
(Prince Edward Island), 57
(Quebec), 60
(Saskatchewan), 65
registration of corporation (Saskatchewan), 65
Sedition. *See* Public Safety.
Seeds. *See* Agriculture.
Separation. *See* Husband and Wife.
Sewerage. *See* Drainage.
Shops. *See* Factories and Shops, Hours of Work.

Silversmiths. *See* Licensing.
Slavery Abolition,
reaffirmation (Ashanti), 150
(Gambia), 148
(Gold Coast), 149
(Northern Territories), 150
Slot Machines. *See* Licensing.
Social Insurance. *See* Insurance.
Solar Observatory,
fund (Commonwealth of Australia), 77
Stamps. *See also* Unemployment.
automatic machines (Newfoundland), 70
betting tax (Victoria), 94
bookmakers' licences (Victoria), 92, 94
duty (New Zealand), 109
Standard Marks,
public authorities (Victoria), 98
State Trading,
(Western Australia), 106
Statutes. *See also* Legislation.
authentication (Sierra Leone), 151
interpretation (Commonwealth of Australia), 74
(Sierra Leone), 152
(Southern Rhodesia), 130
(Victoria), 98
revision (Bahamas), 166
(Bermuda), 73
(Northern Rhodesia), 128
(Saskatchewan), 62
(United Kingdom), 1
short titles (United Kingdom), 1, 16
Subsidies. *See* Air Navigation, Bounties, Housing.
Succession
duty (Manitoba*), 52
(Mauritius), 145
(Prince Edward Island), 57
(Quebec), 58
rights of surviving spouse (France), 186
Sugar. *See also* Maple Sugar.
industry relief (Mauritius), 145
marketing (Barbados), 167
Summary Conviction. *See* Criminal Procedure.
Superannuation. *See* Local Government, Pensions, Railways.
Surveys,
land (Manitoba), 49
soil (United States of America), 183
Sweepstakes,
hospital (Irish Free State), 30
Swinekeeping. *See* Public Health.
Taxation. *See also* Betting, Cotton, Customs, Dogs, Education, Excise, Exports, Imports, Income-tax, Land-tax, Motor Vehicles, Natives, Public Service, Stamps, Succession Duty, Unemployment.
appeals (United States of America), 179
assessment (Manitoba), 46
bank (United States of America), 179
death duties (Southern Rhodesia), 130
(United Kingdom), 16
(Victoria), 94
entertainments (Hong Kong), 142
(New Zealand), 109
(Victoria), 94
estate duty (New Zealand), 109
(Northern Ireland), 28
(United Kingdom), 16
(United States of America), 180
film hire (Newfoundland), 109
motor spirit (Hong Kong), 141
sales tax (Commonwealth of Australia), 77
(United States of America), 180
(South Australia), 85
Treasury bills (United States of America), 178
wheel tax (Orange Free State), 126
Teachers. *See* Education, Pensions.
Telegraphs. *See* Cables, Posts and Telegraphs, Wireless Telegraphy.
Telephones (Barbados), 167
(Cyprus), 174
Territorial Waters. *See* Customs.
Territory Extension,
British Columbia (Canada), 38
Manitoba (Canada), 38
Timber. *See also* Forests, Lumber, Sandalwood.
lands (Newfoundland), 69
(Manitoba), 50
(Newfoundland), 69
saw mills (Newfoundland), 70
Tithe rent-charge (Northern Ireland), 22
Tobacco. *See also* Excise.
cultivation (British Guiana), 164
industry (Mauritius), 146
sale and export (Southern Rhodesia), 132
Totalizators. *See* Betting.
Trade. *See also* Bounties, Licensing, Trade Marks.

Trade—*continued*
description (Commonwealth of Australia), 79
Trade Facilities. *See also* Bounties.
overseas guarantees (United Kingdom), 8
Trade Marks. *See also* Precious Metals, marking.
(Bermuda*), 72
industrial property convention (Palestine), 175
(Kenya), 155
registration of United Kingdom (Bermuda), 72
(Mauritius), 145
(St. Lucia), 168
(Zanzibar), 163
(Sudan), 163
Traffic. *See* Highways, Motor Vehicles.
Transport. *See also* Air Navigation, Motor Vehicles, Railways.
competition (South Australia), 85
(Union of South Africa), 121
mechanical (United Kingdom), 12
(New South Wales), 82
(Tasmania), 89
Treaties. *See* London Naval Treaty.
Tree Planting (Cyprus), 173
Trusts and Trustees. *See also* Banks and Banking, Religious and Charitable Trusts.
Argyll estate (United Kingdom), 18
investments (Cyprus), 173
(Manitoba), 48
(Kenya), 153
native trustee (New Zealand*), 111
powers (Nova Scotia), 53
public trust office (Tasmania*), 88
public trustee (Tanganyika), 157
(Trinidad and Tobago), 170
Shakespeare's birthplace (United Kingdom), 19
Tuberculosis. *See* Children.

Undesirables, expulsion,
(British Guiana), 165
(Tanganyika), 161
Unemployment,
advances (Northern Ireland), 28
insurance (United Kingdom), 9
relief (Canada), 39
(New South Wales), 81
(New Zealand), 108
(South Australia), 86
(United Kingdom), 8
(United States of America), 180
Unemployment—*continued*
relief tax (New South Wales), 82
(Queensland), 82
(Victoria), 91
stamp duties (Victoria), 91
Universities. *See also* Legal Education.
Pretoria (Union of South Africa), 118
revenue adjustments (Victoria), 100
Unseaworthy Ships. *See* Merchant Shipping.

Vegetables. *See* Agriculture.
Vehicles. *See* Highways, Licensing, Motor Vehicles.
Vermin Destruction (Transvaal), 128
Veterinary Surgeons, registration,
(Bermuda), 72
(Mauritius), 146
(Northern Rhodesia), 129
(Trinidad and Tobago), 169

Wages. *See also* Attachment, Industrial Arbitration.
(Canada), 38
War Memorial (New Zealand), 111
War Revenue (Canada), 39
Warehouses,
agricultural (Union of South Africa), 122
Water. *See also* Oilfields.
control (New South Wales), 82
hydro-electricity leases (Fiji), 113
(Kenya), 154
power (United States of America), 183
powers (Manitoba), 51
(Newfoundland), 69
rates (Natal), 124
rights (Manitoba), 51
underground (Burma), 139
Weights and Measures,
(Northern Ireland), 28
(Tonga), 115
Wheat. *See also* Agricultural Loans.
government guarantee (Alberta), 43
import restriction (Union of South Africa), 118
Wheel Tax. *See* Taxation.
Whipping. *See* Corporal Punishment.
White Slave Traffic. *See* Women and Girls.
Widows' and Orphans' Pensions. *See* Pensions.

Wild Animals. *See* Animals, Game.
Wild Birds. *See also* Game.
protection (Bahamas), 166
(British Solomon Islands), 115
(Irish Free State), 132
Wild Flowers,
protection (Queensland), 82
(Victoria), 96
Wills. *See also* Administration of Estates, Trusts and Trustees.
navy and marines (United Kingdom), 4
Wine. *See also* Bounties.
overseas marketing (Commonwealth of Australia), 79
Wireless Telegraphy,
(Canada), 35
Wireless Telegraphy—*continued*
(Newfoundland), 70
radio (Fiji), 114
(Tonga), 115
Women and Girls. *See also* Industrial Employment.
protection (Straits Settlements), 143
white slave traffic (Malta*), 174
Workmen's Compensation,
asbestosis (United Kingdom), 4
(Commonwealth of Australia), 77
(Manitoba), 47
(Northern Rhodesia), 129
(Southern Rhodesia), 133
transfer of funds (Fiji), 114
(United States of America), 181

BIBL.
LONDIN.
UNIV.

Printed in Great Britain by
Hazell, Watson & Viney, Ltd., London and Aylesbury.